



# City of Stockton

Stockton Planning  
Commission

## Meeting Agenda - Final Planning Commission

*Waqar Rizvi, Chair (District 2)*  
*Anne N. Mallett, Vice Chair (District 4)*  
*Gerardo Garcia, Commissioner (District 1)*  
*Jeff Sanguinetti, Commissioner (District 3)*  
*Xavier Mountain, Commissioner (District 5)*  
*Kimberly A. Warmsley (District 6)*  
*D'Adrea Davie, Commissioner (At-Large)*

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Thursday, September 24, 2020

5:30 PM

Council Chamber, City Hall, 425 N. El Dorado  
Street, Stockton CA

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**During this time of local health concerns, City Hall has limited socially-distanced seating available to the public. Due to these concerns, you are strongly encouraged to watch the meeting online and you can submit your public comments electronically.**

1. You can view the live meeting at <http://www.stocktongov.com/government/Meetings/councilMeetings.html>
2. eComment - click <https://stockton.granicusideas.com/meetings> to submit an eComment(s). Only one comment per agenda item, per person will be read into the record.
3. Email – [City.Clerk@stocktonca.gov](mailto:City.Clerk@stocktonca.gov) if you prefer to email your comments in. Only one comment per agenda item, per person will be read into the record.
4. Public comment voicemail - (209) 937-8459 if you wish to leave your public comment in the form of a voicemail, it will be transcribed and emailed to the City Clerk. Only one comment per agenda item, per person will be read into the record.

**1. CALL TO ORDER/ROLL CALL**

**2. PLEDGE TO FLAG**

**3. ADOPTION OF CONSENT CALENDAR**

- 3.1 [20-7102](#) COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS, ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS, AND A WAIVER OF CANNABIS BUSINESS LOCATION REQUIREMENTS - ALL CONCERNING A 2,280 SQUARE FOOT COMMERCIAL SPACE IN THE COMMERCIAL GENERAL (CG) ZONE AT 3008 E. HAMMER LANE, SUITE 108 (APPLICATION NO. P20-0038)**

**Recommended Action:** RECOMMENDATION

Approve a resolution:

1. Denying a Commission Use Permit to allow the establishment of a proposed retail storefront cannabis business, in accordance with the findings in the attached Resolution; and
2. Denying an Administrative Use Permit to allow a retail non-storefront (delivery only) cannabis business, in accordance with the findings in the attached Resolution; and
3. Denying a Waiver to reduce the location requirement to separate commercial cannabis businesses from at least 300 feet to approximately 250 feet of a residential zone.

**Department:** Community Development

- Attachments:** [Attachment A - Staff Report 8-27-20](#)  
[Attachment B - Correspondence dated 9-8-20](#)  
[Proposed Resolution - Recommending Denial](#)  
[Exhibit 1](#)

**4. PUBLIC COMMENT\***

**5. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS**

- 5.1 [20-7031](#) REQUEST TO AMEND A COMMISSION USE PERMIT FOR ALCOHOLIC BEVERAGE SALES, OFF-SALE BEER AND WINE, TO REMOVE A CONDITION OF APPROVAL REQUIRING ON-SITE SECURITY GUARD AT 6009 NORTH EL DORADO STREET (P20-0291)**

**Recommended Action:** RECOMMENDATION

Staff recommends that the Planning Commission approve an amendment to Commission Use Permit P16-0342 to remove a condition requiring a uniformed licensed security officer to patrol the site, based on the findings and subject to conditions in the attached resolution.

**Department:** Community Development

- Attachments:** [Attachment A – Planning Commission Resolution No. 2017-01-260-0301](#)  
[Attachment B - Location Map and Aerial Photograph](#)  
[Proposed Resolution - Use Permit Amendment P19-0291](#)  
[Exhibit 1 - Original Use Permit No. P16-0342](#)

**6. NEW BUSINESS\***

**7. UNFINISHED BUSINESS**

**8. REPORTS/COMMUNICATIONS/INFORMATIONAL ITEMS**

**9. COMMISSIONERS COMMENTS**

**10. ADJOURNMENT**

**CERTIFICATE OF POSTING**

**I declare, under penalty of perjury, that I am employed by the City of Stockton and that I caused this agenda to be posted in the City Hall notice case on September 18, 2020 in compliance with the Brown Act.**

**Eliza R. Garza, CMC  
City Clerk**

**By: \_\_\_\_\_**

**Deputy**

A. *The meeting will be conducted in accordance with Rosenberg's Rules of Order.*

B. *Each person wishing to address the Planning Commission is encouraged to fill out a speaker card located at the podium. Each speaker will then be called forward to the podium to speak in the order in which their speaker card was received. Speakers are encouraged but not required to provide their name and address when speaking before the Commission.*

C. *All questions from members of the audience to the Planning Commission and/or city staff members shall be directed to the Chairperson of the Planning Commission.*

*All questions from Planning Commission members to staff shall be addressed directly to staff from the member asking the question.*

*No personal comments and/or exchanges will be permitted between members of the audience and individual staff or Commission members. Rather, direction shall be given to staff to follow-up on any issues brought before the Commission. This rule applies to communications outside of the public hearing process.*

D. *Information presented to the Commission shall only pertain directly to the item under consideration. Character assassinations, personal feuds, irrelevant data or repetitions of matters already presented shall not be permitted.*

E. *All rules of Decorum pursuant to Council Policy 100-3- Rules for Conduct of City Council Meetings apply equally to this Commission.*

*Agendas, staff reports and minutes can be viewed on the City of Stockton web*

*site <http://www.stockton.gov/government/Meetings/boardComMeetings.html>*

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:**

*State legislation requires disclosure of campaign contributions of \$250 or more, made to any Planning Commissioner, by any person who actively supports or opposes any application pending before the Planning Commission, and such person has a financial interest in the decision. Active support or opposition includes lobbying a Commissioner and/or testifying for or against such an application. Any person having made a \$250 or larger contribution within the preceding 12 months must disclose that fact during the public hearing or on said application.*

*The official City Planning Commission policy is that applications pending before this Commission should not be discussed with the Commission members outside of a public hearing. If any representations are made privately, they must be identified and placed in the public record at the time of the hearing.*

*If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.*

*NOTE: All proceedings before this meeting body are conducted in English. The City of Stockton does not furnish language interpreters and, if one is needed, it shall be the responsibility of the person needing one.*

*In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Stockton to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the Office of the City Clerk located at 425 North El Dorado Street, Stockton, California 95202 during normal business hours or by calling (209) 937-8459, at least 5 days in advance of the hearing/meeting. Advance notification within this guideline will enable the City/Agency to make reasonable arrangements to ensure accessibility.*



*CONSENT ITEMS: Information concerning the consent items has been forwarded to the Planning Commission prior to the meeting. Unless a Commissioner or member of the audience has questions concerning a particular item and asks that it be removed from the Consent Calendar, the items are approved at one time by a roll call vote. Anyone wishing to speak on a consent item or public hearing item, please complete a "Request to Speak Card" and submit it to the Recording Secretary prior to the meeting.*

*\* For any person wishing to address the Planning Commission on any matter not on the printed agenda. Chairperson may set time limit for individual speakers/groups.*



# City of Stockton

## Legislation Text

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**File #: 20-7102, Version: 1**

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**COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS, ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS, AND A WAIVER OF CANNABIS BUSINESS LOCATION REQUIREMENTS - ALL CONCERNING A 2,280 SQUARE FOOT COMMERCIAL SPACE IN THE COMMERCIAL GENERAL (CG) ZONE AT 3008 E. HAMMER LANE, SUITE 108 (APPLICATION NO. P20-0038)**

### RECOMMENDATION

Approve a resolution:

1. Denying a Commission Use Permit to allow the establishment of a proposed retail storefront cannabis business, in accordance with the findings in the attached Resolution; and
2. Denying an Administrative Use Permit to allow a retail non-storefront (delivery only) cannabis business, in accordance with the findings in the attached Resolution; and
3. Denying a Waiver to reduce the location requirement to separate commercial cannabis businesses from at least 300 feet to approximately 250 feet of a residential zone.

### SUMMARY

On August 27, 2020, the Planning Commission considered approval of a Commission Use Permit to allow the establishment of a proposed retail storefront cannabis business, an Administrative Use Permit to allow a retail non-storefront (delivery only) cannabis business, and a Waiver to reduce the location requirement to separate commercial cannabis business from at least 300 feet to approximately 250 feet of a residential zone (Attachment A - Planning Commission Staff Report 8-27-2020). Following public testimony, the Planning Commission approved Motion 2020-08-27-0501 (by a vote of 4-3), directing staff to bring back a resolution with its articulated findings for denial of the project. The proposed resolution carries out the Planning Commission's direction.

Additionally, a communication, dated September 8, 2020, was received from a representative of the applicant requesting the Planning Commission's reconsideration of the August 27, 2020 denial of Application P20-0038. In order to reconsider the project, the Planning Commission would need to follow a specific process which would be explained if any Commissioner makes this request. See Attachment B - Communication.

Attachment A - Planning Commission Staff Report 8-27-2020

Attachment B - Communication dated September 8, 2020

This report was prepared by Ariana Adame, Planning Manager, (209) 937-8270;

ariana.adame@stocktonca.gov.



## Legislation Text

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**File #:** 20-6954, **Version:** 1

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**COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS, ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS, AND A WAIVER OF CANNABIS BUSINESS LOCATION REQUIREMENTS - ALL CONCERNING A 2,280 SQUARE FOOT COMMERCIAL SPACE AT 3008 E. HAMMER LANE, SUITE 108 (APPLICATION NO. P20-0038)**

### RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution to:

1. Approve a Commission Use Permit to allow the establishment of a proposed retail storefront cannabis business, in accordance with the findings and subject to the conditions herein;
2. Approve an Administrative Use Permit to allow a retail non-storefront (delivery only) cannabis business, in accordance with the findings and subject to the conditions herein; and
3. Approve a Waiver to reduce the location requirement to separate commercial cannabis businesses from at least 300 feet to approximately 250 feet of a residential zone.

### SUMMARY

The applicant, Leon Tacardon, submitted a Commission Use Permit, Administrative Use Permit, and Waiver application to establish a 2,280-square foot retail storefront cannabis business and a retail non-storefront (delivery only) cannabis business in a Commercial General (CG) zoned parcel, located at 3008 E. Hammer Lane, Suite 108. The site is currently a multi-tenant commercial building with various retail, service and restaurant businesses occupying suites (Attachment A - Location Map and Aerial Photograph).

This applicant participated in the 2019 Commercial Cannabis Lottery program and was awarded the opportunity to apply for a Retail Storefront as an equity applicant. The Non-storefront Retail (delivery only) use applicability is not granted through the Commercial Cannabis Lottery program. There are no permit limits for either use, however the Retail Storefront use is required to participate in and be awarded through the Commercial Cannabis Lottery program. The Stockton Police Department has reviewed the application, including preliminary security plan, and indicates support for the proposed uses.

One of the location requirements for these land-uses is to maintain a 300 feet separation from any residential zone. The applicant requests a Waiver to reduce a location requirement relating to the separation of cannabis businesses from a residential zone. The proposed business location site is approximately 250 feet from a residential zoned parcel owned by the Union Pacific Railroad Company and located on the western side of the railroad track that runs perpendicular to East

Hammer Lane. Given the proximity to the train tracks, residential homes would not be built in the foreseeable future in this location due to the required easement and space needed to accommodate the train tracks operated by the Union Pacific Railroad Company.

Staff recommends approval as the proposed project meets the City's standards and aligns with the General Plan 2040 goals to provide for orderly, well-planned, and balanced development (Goal LU-6), attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state (Goal LU-4) and provide opportunities for growth and expansion, particularly in infill developments (Policy LU-6.2).

## DISCUSSION

### Background

On March 5, 2019, City Council approved changes to the City's cannabis regulatory program to: (a) align state/local regulation; (b) allow additional businesses types; (c) establish a method to control the pace of new business openings; and (d) establish a method to address historic racial inequities.

New business types were introduced, including manufacturing, distribution, testing laboratories, delivery-only non-storefront retailers, and microbusinesses. The program also included additional cultivators and storefront retailers (dispensaries) as well as an equity program. The changes were to align local regulation with the Medical Cannabis Regulation and Safety Act and the Adult-Use of Marijuana Act of 2016 (Proposition 64). In addition to achieving regulatory consistency, the program was changed to eliminate the limit (i.e. caps) on the total number of Operator Permits regulated by the Stockton Police Department under Stockton Municipal Code (SMC) Chapter 5.100.

For certain permit types where there is concern about the potential impact on public safety, public health, or community character, a controlled expansion was established. A controlled expansion program allows the City and the existing industry to adapt to an evolving industry and gives the City ongoing flexibility to accelerate or decelerate industry expansion over time. The controlled expansion also has the benefit of allowing the City to give preference to equity applicants.

The controlled expansion is accomplished on an annual basis through a lottery process for the following business types:

- a. Two (2) storefront retailer permits;
- b. Two (2) cultivation permits;
- c. Two (2) volatile-manufacturing permits;
- d. Two (2) microbusinesses, which include storefront retail and/or cultivation business types.

The lottery includes an equity component to enable Stockton residents from disadvantaged neighborhoods to obtain cannabis business permits. Applicants for the above business types are evenly selected from 1) a general pool of applicants and 2) an equity pool of applicants. Equity pool applicants must meet certain criteria and are also eligible to be a part of the general pool. To qualify as an equity applicant, an applicant must own more than 50 percent of the business, be a resident of Stockton, and meet one of the following: be a Minority Business Enterprise (MBE)/Women Owned Business Enterprise (WBE), live in an opportunity zone, live in the Senate Bill 535 disadvantaged area, or live in a Housing and Urban Department (HUD) designated area.

Leon Tacardon, the applicant of the proposed project, is a successful equity applicant for a storefront retailer business. The Non-storefront Retail (delivery only) use applicability is not granted through the Commercial Cannabis Lottery program. There are no limits or “caps” to the number of applications that may be approved.

### Present Situation

The applicant, Leon Tacardon, requests approval to operate a 2,280-square foot retail storefront and non-storefront retail (delivery only) commercial cannabis business in a Commercial, General (CG) Zone located at 3008 E. Hammer Lane, Suite 108. See Attachment B - Proposed Site Plan.

This site location is commonly referred to as ‘The Pavilion’ shopping center, and includes many retail, service and restaurant uses. The center fronts a depressed portion of East Hammer Lane as it passes under a north/south railroad line. Commercial and industrial land uses are adjacent to the site with the Stockton Auto Center located to the immediate south (and accessible by Auto Center Circle).

The retail storefront will operate between 9:00 a.m. and 8:00 p.m. Monday through Sunday, and the non-storefront retail (delivery only) will operate between 8:00 a.m. and 7:00 p.m. Monday through Sunday. The proposed project will employ 20 full-time employees.

The Police Department conducted a preliminary review of the project to ensure there were no immediate security or public safety concerns and none were found. If approved, a formal security plan and lighting plan will be submitted and reviewed by the Police Department as part of an Operators Permit application.

The existing commercial shopping center has 196 shared parking spaces or approximately 1 space per 250 square feet of gross floor area (for the entire building). This parking ratio is consistent with the requirements for proposed cannabis businesses and, therefore, is adequate to service the business.

### Staff Analysis

To permit the proposed uses, the Planning Commission is asked to consider approval of a Commission Use Permit, an Administrative Use Permit and Waiver to reduce the required separation from residentially zoned property from 300 feet to 250 feet. Each request and staff’s analysis are provided below.

#### *Commission Use Permit/Administrative Use Permit*

When located in a CG Zone, a Commission Use Permit is required for a Cannabis Retailer Storefront and an Administrative Use Permit is required for a Non-storefront cannabis retail (delivery only). The operations of each use would be combined within a single business and within the same building area. As a result, and since the findings required to address each permit type are the same, the following analysis addresses both land uses.

SMC §16.168.050(A) requires seven findings of fact to grant approval. Each finding and staff’s

analysis are as follows:

1. Finding: The proposed use is allowed within the subject zoning district with the approval of a use permit and complies with all other applicable provisions of this Development Code and the Municipal Code;

Staff Analysis: The proposed cannabis business types (i.e., uses) are both allowed in the CG Zone. The subject uses would be located within an existing commercial building and, therefore, do not raise a question of conformance with Title 16 development standards. As noted below, adequate off-street parking spaces are provided for both the existing and proposed uses.

2. Finding: The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located;

Staff Analysis: The proposed cannabis business would be situated in a shopping center with several other commercial land uses. It would be aligned with the intent of the shopping center to provide retail options to the community. It would prevent the shopping center from a vacant unoccupied suite which would help strengthen the integrity of the surrounding area.

3. Finding: The proposed use would be consistent with the general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan;

Staff Analysis: The General Plan Land Use Map designates the subject site as Commercial. The Commercial designation is intended to accommodate a wide variety of commercial uses, including, but not limited to, service uses. SMC Section 16.20.020 Table 2-2 classifies the Cannabis Retail Storefront and the Non-storefront Cannabis Retail Operator Permit (Delivery Only) use within a service use category. Therefore, the proposed use is consistent with the Commercial designation.

Additionally, the project is consistent with General Plan Policy LU-4.2 which states, "Attract employment- and tax-generating businesses that support the economic diversity of the city." The proposed use furthers this policy since it would provide for a business type that generates tax revenue for the City of Stockton's general fund.

4. Finding: The subject site would be physically suitable for the type and density/intensity of use being proposed including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.);

Staff Analysis: The proposed project was reviewed for compliance with all applicable and current Building Code guidelines and found to be in compliance given the nature of the proposed project. No expansion of the building is proposed.

5. Finding: The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified, if applicable, would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use;

Staff Analysis: The proposed land-use will require the applicant to adhere to all applicable building code, fire code, and requirements established by the State of California, Bureau of Cannabis Control (BCC). The BCC issues annual licenses and monitors Retail Storefronts and Non-Storefront Retail (delivery only) to ensure safety of business practices. The applicant will also be required to obtain and maintain a City of Stockton, Operator's Permit that requires the business owner to develop and maintain a security and lighting plan that is reviewed annually by the City of Stockton, Police Department.

For the above reasons, the establishment, maintenance, or operation of the proposed land use activity would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

6. Finding: The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property; and

Staff Analysis: The proposed Retail Storefront and Non-Storefront Retail (delivery only) is located in an existing commercial building and no changes have been proposed to the exterior characteristics of the project site. The proposed use is commercial in nature and modest floor area raises no potential issues related to compatibility with the existing and future land uses on-site and in the vicinity of the subject property.

7. Finding: The proposed action would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Staff Analysis: The proposed uses would occur within a portion of an existing commercial building. Therefore, the project is categorically exempt from the CEQA, pursuant to CEQA Guidelines §15301 (Existing Facilities).

### *Waiver*

The following location requirements apply to all retail storefront and retail non-storefront (delivery only) commercial cannabis businesses:

- a. Located 300 feet or more, measured from the nearest property lines of each of the affected parcels, of any existing residential zone.
- b. Located 600 feet or more, measured from the nearest property lines of each of the affected parcels, of any park, school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility that is in existence at the time the land use permit is issued.

Location requirements may be waived or reduced through approval of a Waiver. SMC §16.80.195 provides that, "Waivers shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Waiver determinations will be made on a case-by-case



basis.”

The applicant submitted a neighborhood context map showing all required separation distances to determine whether the cannabis businesses conformed to each location requirement (Attachment C - Neighborhood Context Map). Staff has also reviewed the information to verify for accuracy. This included consideration of uses not tracked in the City databases and a site visit to the surrounding area. Staff also provided geographic information to this report regarding currently approved commercial cannabis businesses for Retail Storefront businesses, and Non-storefront Retail (delivery only) businesses as a reference (Attachment D - Existing Retail Storefront Businesses, Attachment E - Existing Non-storefront Retail (delivery only) Businesses).

The subject property is located approximately 250 feet from a parcel designated Low-Density Residential (RL) Zone. All other location requirements are met. The residentially zoned parcel is owned by the Union Pacific Railroad Company and located on the western side of the railroad track that runs perpendicular to East Hammer Lane. The viability of that parcel for residential development is not likely (e.g., landlocked, has no access to a public street; close proximity to significant noise source (railroad)).

Given these facts, staff recommends approving the Waiver request.

#### PUBLIC COMMENT

Although not required by the Stockton Municipal Code, a virtual community meeting was held on August 6, 2020 via Zoom. All property owners within a 300-foot radius of the subject property were invited to the meeting. The property owners, applicant representative, and City staff attended the virtual community meeting held on Thursday, August 6, 2020 at 5:00 pm. No community members attended the meeting. The applicant recorded the presentation and made it available to community members by request. (Attachment F - Community Meeting Notice).

#### Attachments

Attachment A - Location Map and Aerial Photograph  
Attachment B - Proposed Site Plan  
Attachment C - Neighborhood Context Map  
Attachment D - Existing Retail Storefront Businesses  
Attachment E - Existing Non-storefront Retail (delivery only) Businesses  
Attachment F - Community Meeting Notice

This report was prepared by Ariana Adame, Planning Manager, (209) 937-8270; ariana.adame@stocktonca.gov.

3008 E. Hammer Lane, Suite 108

Attachment A



**Property Information**

**Property ID** 12802001-35665  
**Location** 3008 E HAMMER LN 122  
**Owner** JOE T HESKETT FAMILY LP



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Stockton, CA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 07/08/2020  
Data updated 07/08/2020



3008 E Hammer Lane, Suite 108

Attachment A



Property Information

Property ID 12802001-35665  
 Location 3008 E HAMMER LN 122  
 Owner JOE T HESKETT FAMILY LP



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Geometry updated 07/08/2020  
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WMB  
ARCHITECTS

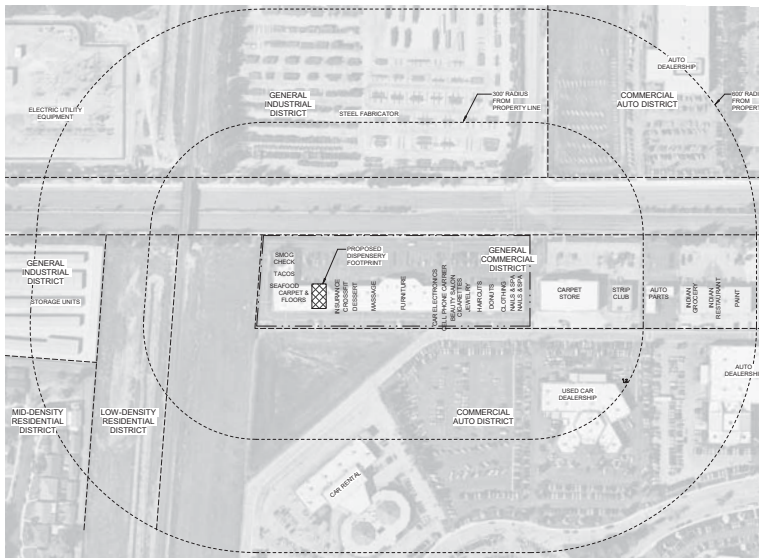
5737 Pacific Avenue  
Suite Z28  
Stockton, CA 95207  
  
2000 L Street  
Suite 125  
Sacramento, CA 95811  
  
T 209.944.9110  
F 209.944.5711  
www.wmbarchitects.com  
E tb@wmbarchitects.com  
TOM BOWE, PROJ. ARCH

# Retail Cannabis Business Land Use Permit Application

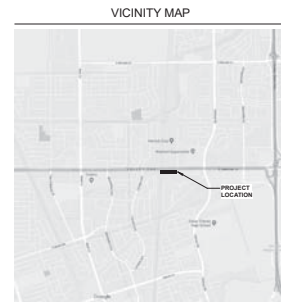
3008 E. Hammer Lane  
Stockton, CA 95212  
APN: 128-020-01  
Application No. P20-0038

Retail Cannabis Business -  
Land Use Permit  
P20-0038  
3008 E. Hammer Lane  
Stockton, CA 95212

TITLE SHEET /  
NEIGHBORHOOD CONTEXT



NEIGHBORHOOD CONTEXT PLAN  
SCALE: 1" = 1440'



LIST OF SHEETS

A1	TITLE SHEET / NEIGHBORHOOD CONTEXT
A2	SITE PLAN
A3	FLOOR PLAN

CONTACT INFORMATION

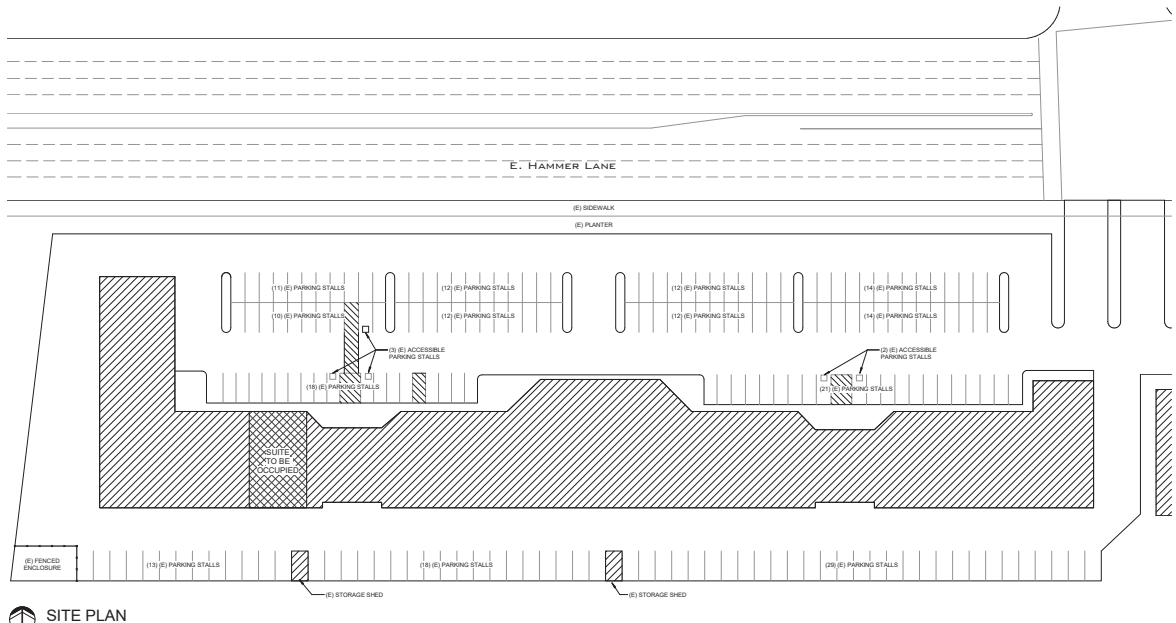
TENANT	CURTIS DEVINE P.O. BOX 8133 FORT MEADE, AZ 85427 PHONE: 928.303.5958
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PUBLISH HISTORY:  
DATE PURPOSE  
12.09.19 PERMIT SUBMITTAL

WMB PROJECT:  
19-104

A1



**SITE PLAN**  
SCALE: 1" = 30'-0"

REQUIRED PARKING STALLS	
ENTIRE BLDG. FOOTPRINT	2,191 FFP
PARKING FACTOR	1 STALL / 250 FFP
REQ'D PARKING STALLS	9 STALLS
PROVIDED PARKING STALLS	9 STALLS, (5)
REQ'D ACC. STALLS	2 STALLS
PROVIDED ACC. STALLS	2 STALLS, (5)

PROJECT DATA		
PROJECT DESCRIPTION	RETAIL CANNABIS MICROBUSINESS	
	FLOORING SALES	
PRIOR USE	YES	NO
ALTERATION TO EXISTING BUILDING	X	
ADDITION TO EXISTING BUILDING		X
CHANGE OF USE		X
EXISTING FIRE SPRINKLERS	X	
TYPE OF CONSTRUCTION	1B	
OCCUPANCY GROUP	M	
PARCEL SIZE	3.93 ACRES	
SUITE AREA	2,191 FFP UNCHANGED	
BUILDING HEIGHT	1F UNCHANGED	
NUMBER OF STORES	1 UNCHANGED	



**WMB ARCHITECTS**

5737 Pacific Avenue  
Suite 228  
Stockton, CA 95207  
  
2000 L Street  
Suite 125  
Sacramento, CA 95811  
  
T 209.944.9110  
F 209.944.5711  
www.wmbarchitects.com  
E info@wmbarchitects.com  
TOM BOWE, PROJ. ARCH

Retail Cannabis Business -  
Land Use Permit  
PUD-0008  
3008 E. Hammer Lane  
Stockton, CA 95212

SITE PLAN



PUBLISH HISTORY:  
DATE PURPOSE  
12.09.19 PERMIT SUBMITTAL

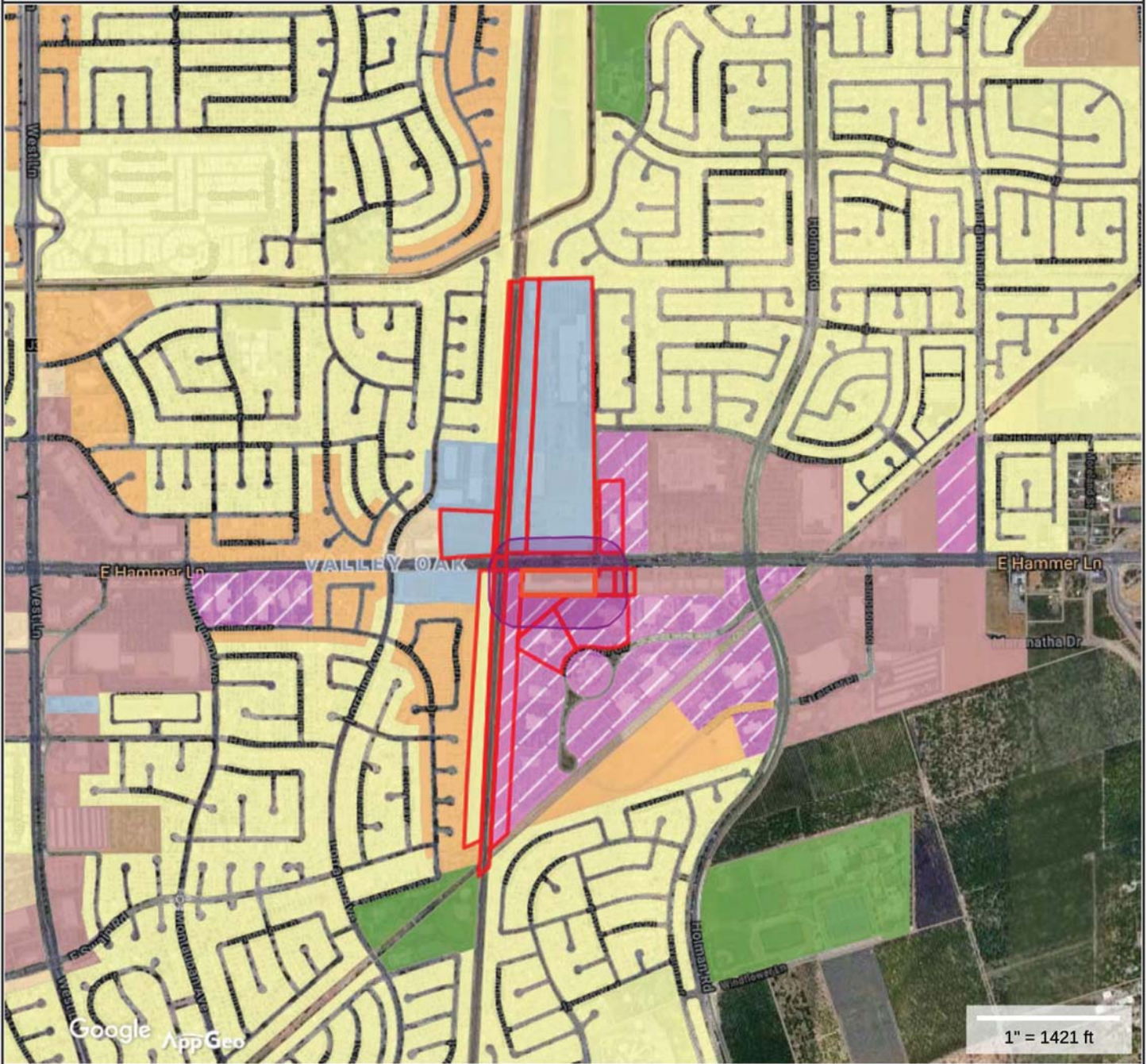
WMB PROJECT:  
19-104

A2



3008 E. Hammer Lane, Suite 108

Attachment A



**Property Information**

**Property ID** 12802001-35665  
**Location** 3008 E HAMMER LN 122  
**Owner** JOE T HESKETT FAMILY LP


















**MAP FOR REFERENCE ONLY**  
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Geometry updated 07/08/2020  
 Data updated 07/08/2020

Zoning

-  COMMERCIAL AUTO DISTRICT (CA)
-  DOWNTOWN COMMERCIAL (CD)
-  GENERAL COMMERCIAL (CG)
-  LARGE SCALE COMMERCIAL (CL)
-  NEIGHBORHOOD COMMERCIAL (CN)
-  OFFICE COMMERCIAL(CO)
-  GENERAL INDUSTRIAL(IG)
-  LIMITED INDUSTRIAL (IL)
-  PORT (PT)
-  LOW DENSITY RESIDENTIAL (RL/P)
-  MEDIUM DENSITY RESIDENTIAL (RM/P)
-  HIGH DENSITY RESIDENTIAL (RH/P)
-  MIXED USE (MX)
-  OPEN SPACE (OS)
-  PUBLIC FACILITIES (PF)

City of Stockton, CA Zoning Data



SiteAddress	SiteZip	SiteCity	SiteState	Zoning	APN	Description
3003 E HAMMER LN	95212	Stockton	CA	IG	12618002	Herrick Corp. Steel Manufacturing Site
3008 E HAMMER LN 101	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Hammer Lane Smog Center
3008 E HAMMER LN 102	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Taco Chapala
3008 E HAMMER LN 103	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Taco Chapala
3008 E HAMMER LN 104	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Vacant (Windows Covered), possibly Joe Lents Carpet
3008 E HAMMER LN 106	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Joe Lents Abbey Carpet & Floors
3008 E HAMMER LN 107	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Joe Lents Abbey Carpet & Floors
3008 E HAMMER LN 108	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Joe Lents Abbey Carpet & Floors
3008 E HAMMER LN 109	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Quality General Insurance
3008 E HAMMER LN 110	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Quality General Insurance
3008 E HAMMER LN 111	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Next Level Strength & Conditioning
3008 E HAMMER LN 112	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Next Level Strength and Conditioning
3008 E HAMMER LN 113	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Morada Neveria Y Paeteria
3008 E HAMMER LN 114A	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Sandia Hydroponics, Suite 114 Not 114A
3008 E HAMMER LN 114B	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Suite 114B does not exist, Suite 114 is Sandia Hydroponics
3008 E HAMMER LN 115	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Moon Massage
3008 E HAMMER LN 116	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Bear Creek Furniture
3008 E HAMMER LN 117	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Bear Creek Furniture
3008 E HAMMER LN 118	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Pro Tint Window Tinting
3008 E HAMMER LN 119	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Pro Tint Window Tinting
3008 E HAMMER LN 120	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Boost Mobile
3008 E HAMMER LN 121	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Jem Hair & Beauty Supply
3008 E HAMMER LN 122	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Friendz Smoke Shop
3008 E HAMMER LN 123	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Asia Mart
3008 E HAMMER LN 124	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Art Body and Soul Tattoo
3008 E HAMMER LN 125	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Payless Beauty Supply
3008 E HAMMER LN 126	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Star Donuts
3008 E HAMMER LN 127	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, KS Divas Botique
3008 E HAMMER LN 127B	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Indian Threads Beauty & Spa
3008 E HAMMER LN 128	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, LE Nails & Spa
3008 E HAMMER LN 128E	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Suite 128E does not exist, Suite 128 is Le Nails and Spa
3055 E HAMMER LN	95212	Stockton	CA	CA	12618020	Vacant Lot
3102 E HAMMER LN	95212	Stockton	CA	CA	12801002	Vacant Lot
3110 E HAMMER LN	95212	Stockton	CA	CG	12802002	Carpetland
3126 E HAMMER LN	95212	Stockton	CA	CG	12802003	Suzie's Adult Store
3158 E HAMMER LN	95212	Stockton	CA	CG	12802004	Safelite Auto Glass Repair
3003 AUTO CENTER CI	95212	Stockton	CA	CA	12802016	Enterprise Car Rental
3009 AUTO CENTER CI	95212	Stockton	CA	CA	12802015	Vacant Lot

*Neighborhood Context*

Attachment A

Received  
 JAN 14 2020  
 City of Stockton  
 Community Development



SiteAddress	SiteZip	SiteCity	SiteState	Zoning	APN	Description
3131 AUTO CENTER CI	95212	Stockton	CA	CA	12802014	Stockton Auto World
8008 LORRAINE AV	95210	Stockton	CA	IG	9058008	Electrical Equipment for Eelctric Company
600'						
7760 LORRAINE AV	95210	Stockton	CA	IG	9422048	Smart Stop Self Storage
8008 LORRAINE AV	95210	Stockton	CA	IG	9058008	Electrical Equipment for Eelctric Company
8030 LORRAINE AV	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 3-A	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 302	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 303	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 304	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 305	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 306	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 307	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 308	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 309	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 328	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 329	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 330	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 331	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 332	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 333	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 334	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 336	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
8030 LORRAINE AV 3A	95210	Stockton	CA	IG	9058004	Multi Tenant Building, no protected uses located in the building.
7134 TRISTAN CI	95210	Stockton	CA	RM	9423002	Single Family Home
7136 TRISTAN CI	95210	Stockton	CA	RM	9423001	Single Family Home
7142 TRISTAN CI	95210	Stockton	CA	RM	9422029	Single Family Home
7144 TRISTAN CI	95210	Stockton	CA	RM	9422028	Single Family Home
7150 TRISTAN CI	95210	Stockton	CA	RM	9422027	Single Family Home
7152 TRISTAN CI	95210	Stockton	CA	RM	9422026	Single Family Home
7158 TRISTAN CI	95210	Stockton	CA	RM	9422025	Single Family Home
7160 TRISTAN CI	95210	Stockton	CA	RM	9422024	Single Family Home
7166 TRISTAN CI	95210	Stockton	CA	RM	9422023	Single Family Home
7206 TRISTAN CI	95210	Stockton	CA	RM	9422022	Single Family Home
7997 HOLMAN RD	95212	Stockton	CA	CG	12618006	Wal Mart Super Center

Attachment A

SiteAddress	SiteZip	SiteCity	SiteState	Zoning	APN	Description
3008 GIRARDI WY	95212	Stockton	CA	CA	12618019	Nissan of Stockton Car Dealership
3020 WAKEMAN DR	95212	Stockton	CA	CA	12618019	Nissan of Stockton Car Dealership
3003 E HAMMER LN	95212	Stockton	CA	IG	12618002	Herrick Corp. Steel Manufacturing Site
3008 E HAMMER LN 101	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 102	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 103	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 104	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 106	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Joe Lents Abbey Carpet & Floors
3008 E HAMMER LN 107	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Joe Lents Abbey Carpet & Floors
3008 E HAMMER LN 108	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Joe Lents Abbey Carpet & Floors
3008 E HAMMER LN 109	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Quality General Insurance
3008 E HAMMER LN 110	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 111	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 113	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 114A	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Sandia Hydroponics
3008 E HAMMER LN 114B	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Sandia Hydroponics
3008 E HAMMER LN 115	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 116	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Bear Creek Furniture
3008 E HAMMER LN 117	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 118	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Pro Tint Window
3008 E HAMMER LN 119	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Pro Tint Window
3008 E HAMMER LN 12	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 120	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Boost Mobile
3008 E HAMMER LN 121	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Jem Hair & Beauty Supply
3008 E HAMMER LN 122	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 123	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Asia Mart
3008 E HAMMER LN 124	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Art Body and Soul Tattoo
3008 E HAMMER LN 125	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Payless Beauty Supply
3008 E HAMMER LN 126	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, Star Donuts
3008 E HAMMER LN 127	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 127B	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 128	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3008 E HAMMER LN 128E	95212	Stockton	CA	CG	12802001	The Pavilion Shopping Center, Multi Tenant Building, no protected uses located in the Building.
3055 E HAMMER LN	95212	Stockton	CA	CA	12618020	Vacant Lot Possibly Part of the Nissan Dealership
3077 E HAMMER LN	95212	Stockton	CA	CA	12618019	Nissan of Stockton Car Dealership
3102 E HAMMER LN	95212	Stockton	CA	CA	12801002	Vacant Lot
3110 E HAMMER LN	95212	Stockton	CA	CG	12802002	Carpetland
3126 E HAMMER LN	95212	Stockton	CA	CG	12802003	Suzie's Adult Store
3158 E HAMMER LN	95212	Stockton	CA	CG	12802004	Safelite Auto Glass Repair

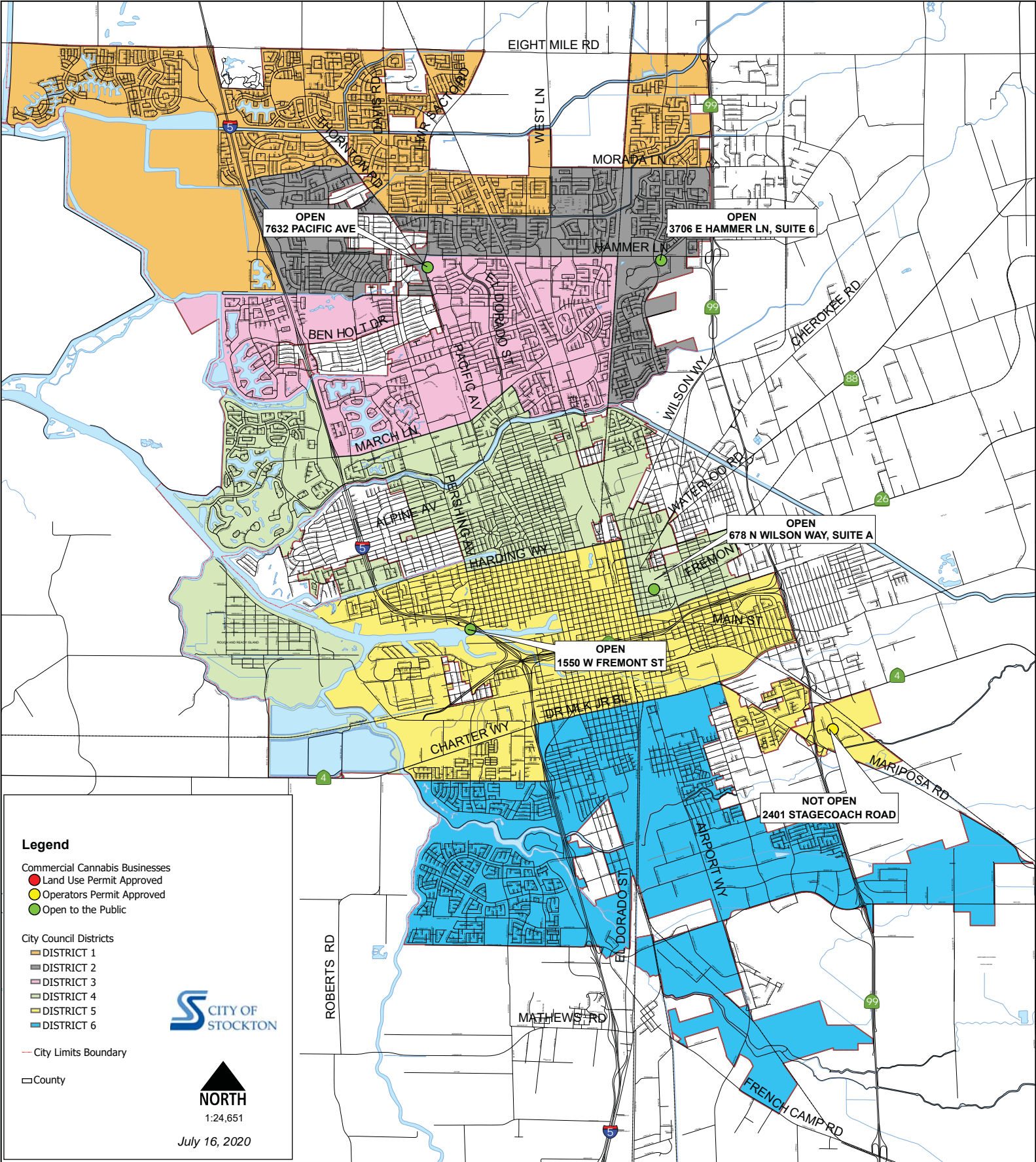
*Neighborhood Council*

Received  
Attachment A  
JAN 14 2020  
City of Stockton  
Community Development



SiteAddress	SiteZip	SiteCity	SiteState	Zoning	APN	Description
3206 E HAMMER LN	95212	Stockton	CA	CG	12802005	Chaat and Cuisine Indian Food Buffet
3206 E HAMMER LN A	95212	Stockton	CA	CG	12802005	Kellv Moore Paints
3206 E HAMMER LN B	95212	Stockton	CA	CG	12802005	Shan-E-Punjab Indian Grocery Store
3223 E HAMMER LN	95212	Stockton	CA	CG	12618006	Wal Mart Super Center
3228 E HAMMER LN	95212	Stockton	CA	CG	12802006	O'reilly Autoparts
2991 AUTO CENTER CI	95212	Stockton	CA	CA	12802017	Hertz Auto Sales
3003 AUTO CENTER CI	95212	Stockton	CA	CA	12802016	Enterprise Car Rental
3009 AUTO CENTER CI	95212	Stockton	CA	CG	12802001	Vacant Lot
3131 AUTO CENTER CI	95212	Stockton	CA	CA	12802014	Stockton Auto World Car Dealership
3158 AUTO CENTER CI	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI A	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI A1	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI A2	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI A3	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI B	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI C	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI D	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI E	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI F1	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI F2	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI F3	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI F4	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3158 AUTO CENTER CI G	95212	Stockton	CA	CA	12802023	The Stockton Auto Mall - Vacant
3261 AUTO CENTER CI	95212	Stockton	CA	CA	12802013	MATAGA Buick, GMC and Cadillac Dealership

Attachment A

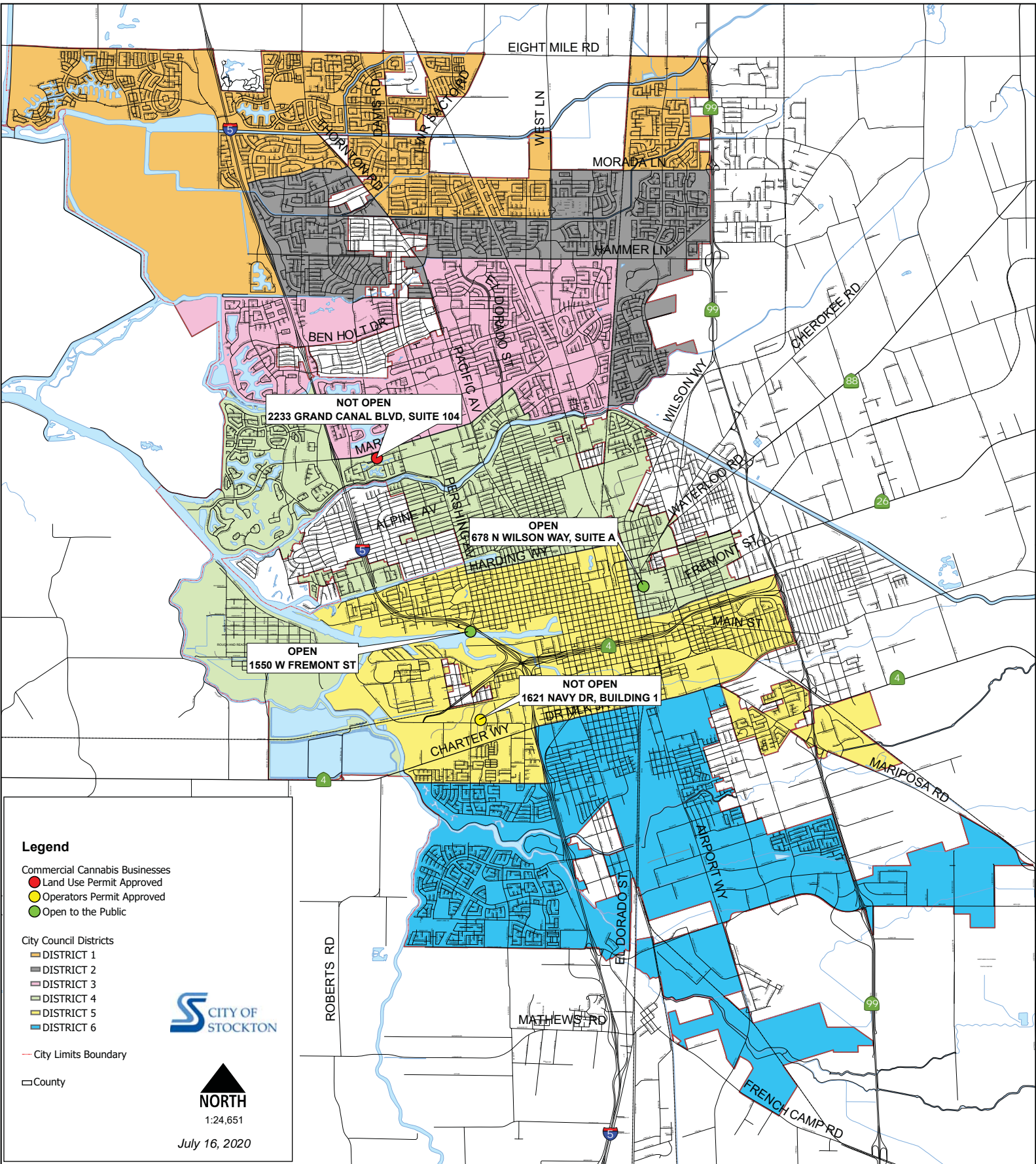


# COMMERCIAL CANNABIS BUSINESSES - RETAIL STOREFRONT

NOTE: "The Information on this map is based on the City's best available information at the time the map was prepared and is only an approximate representation of areas that may be available for the possible establishment of Commercial Cannabis Businesses. This map should only be used as a guide and does not replace the need for an applicant's due diligence as to determining if a site complies with applicable zoning and separation requirements."

The information on this map is based on the most current information available to the City of Stockton Geographic Information System Section. The information on this map is not intended to replace engineering financial, or primary records research.





# COMMERCIAL CANNABIS BUSINESSES - RETAIL DELIVERY

NOTE: "The Information on this map is based on the City's best available information at the time the map was prepared and is only an approximate representation of areas that may be available for the possible establishment of Commercial Cannabis Businesses. This map should only be used as a guide and does not replace the need for an applicant's due diligence as to determining if a site complies with applicable zoning and separation requirements."

The information on this map is based on the most current information available to the City of Stockton Geographic Information System Section. The information on this map is not intended to replace engineering financial or primary records research.

July 13, 2020

To: Bryan Deboer c/o Lithia Real Estate Inc.  
Address: 150 N Bartlett St  
Medford, OR 97501-6032

Re: Application for use permit to operate a City and State licensed cannabis retail store front business, containing approximately 2280 square feet, and a delivery service at property located at 3008 E. Hammer Lane Ste. 108 Stockton, California.

Dear Property Owner:

On behalf of Kim's Stockton, LLC, the undersigned is applying for a cannabis use permit at the referenced site.

The purpose of this letter is to invite you to a community meeting via Zoom Video Conference to review and receive information and details about what will be required from the applicant to implement and operate the proposed project. Due to the COVID-19 Pandemic and recent Governors orders, we have been forced to cancel our plans for an in-person meeting and hold the meeting virtually. The community meeting will be held Via Zoom Video Conference, from 5 p.m. to 6 p.m. on August 6, 2020. You will need to have Zoom downloaded onto your computer and use the following link to join.

**Stockton Use Permit Community Zoom Meeting**

<https://us02web.zoom.us/j/89042477628>

Meeting ID: 890 4247 7628

One tap mobile

+12532158782,,89042477628# US (Tacoma)

+13462487799,,89042477628# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

Meeting ID: 890 4247 7628

Find your local number: <https://us02web.zoom.us/j/89042477628>

If you miss the meeting, we will record it so you can watch at your convenience. If you have trouble logging in please contact Rachel Willis at, (480) 652-2379 or [rachel@mohavecannabis.com](mailto:rachel@mohavecannabis.com), to assist you with your login.

Representatives of the applicant as well as a staff member from the City of Stockton Community Development Department will be present to participate at this meeting. Representatives of the applicant will provide schematic drawings including a floor plan, security plan and site plan. Representatives of the applicant will answer any questions you may have about the proposal.

After the community meeting the application will be considered at a public hearing by the Planning Commission on August 27, 2020. We look forward and encourage you to attend and provide your questions and comments.

Respectfully submitted

Curtis Devine



# CANNABIS RETAILER (STOREFRONT) FACT SHEET

Attachment A



**RETAILER (STOREFRONT):** Sells cannabis goods to customers at its premises or by delivery. A retailer must have a licensed physical location (premises), including an address where commercial cannabis activities are conducted.

## RETAILER (STOREFRONT) REQUIREMENTS

### • Hours of operation

- A licensed retailer may only engage in sales and deliveries between the hours of 6:00 a.m. and 10:00 p.m. Pacific Time.

### • Access to the licensed premises

- Retail area—all customers must provide a valid proof of identification.
  - o Only persons 21 years of age or older may access adult-use retailers.
  - o Persons 18 years of age or older may access medicinal retailers with a valid physician’s recommendation.
  - o Retail employees must verify the age and valid proof of identification of all customers before granting access.
- Limited access areas—all persons must be at least 21 years of age and have a business reason for entering the limited access area; non-employees with authorized access must be escorted, and an access log must be maintained.
- Retail premises must be secured while not open for business.

### • Cannabis goods for sale

- A licensed retailer may only sell cannabis goods, cannabis accessories, and licensees’ branded merchandise or promotional materials.
- A licensed retailer may only receive cannabis goods for sale from a licensed distributor.

- All cannabis goods must comply with all packaging and labeling requirements.
- A licensed retailer may not sell cannabis goods that are expired.

### • Delivery

- All delivery customers must provide a valid proof of identification.
  - o Persons 21 years of age or older may purchase adult-use cannabis goods.
  - o Persons 18 years of age or older may purchase medicinal cannabis goods with a valid physician’s recommendation.
  - o Delivery employees must verify the age by inspecting a valid form of identification of all delivery customers, in person, before they complete delivery of the cannabis goods.
- Delivery must be made to a physical address in any jurisdiction within California that is not on publicly owned land, a school, a day care, or a youth center.
- During delivery, the employee must carry a copy of the retailer’s license, the employee’s government-issued identification, and an identification badge provided by the licensed retailer.
- The delivery employee shall not carry cannabis goods valued in excess of \$5,000 at any time, with no more than \$3,000 of cannabis goods that are not already part of a customer order that was processed prior to leaving the premises.
- A delivery request receipt must be prepared for each delivery of cannabis goods and contain all the items listed in section 5420 of the Bureau of Cannabis Control’s regulations.
- Delivery must be made in person by a direct employee of the licensed retailer. An independent contractor, third party courier





service, or an individual employed through a staffing agency would not be considered directly employed by the licensed retailer.

- Delivery must be made using an enclosed motor vehicle equipped with a GPS device and secure storage for cannabis goods.
- A vehicle used by a licensed retailer for delivery purposes is not required to be owned by the licensee.
- **Customer returns**
  - A licensed retailer may accept customer returns but may not resell the returned cannabis goods. The returned cannabis goods may be destroyed or, if defective, returned to the distributor from which they were obtained.
- **Cannabis goods packaging, labeling, and exit packaging**
  - A licensed retailer may not accept, possess, or sell cannabis goods that are not packaged for final sale. A retailer may not package or label cannabis goods.
  - All cannabis goods must leave the licensed premises in an opaque exit package.
  - Through December 31, 2019, all cannabis goods must either be in a child-resistant package or in a child-resistant exit package. All cannabis goods packaging shall be tamper-evident; and resealable if it contains more than one serving.
  - Beginning January 1, 2020, a package containing cannabis goods shall be resealable, tamper-evident, and child resistant.

- Immature cannabis plants and seeds sold by a licensed retailer are not required to be placed in resealable, tamper-evident, child-resistant packaging.

- **Shipments and inventory**

- Licensed retailers can only receive shipments between the hours of 6:00 a.m. and 10:00 p.m. Pacific Time.
- Licensed retailers must be able to account for all inventory of cannabis goods and provide the Bureau with inventory records upon request.

- **Retailer to retailer transfer**

- Cannabis goods may be transported by a licensed distributor from one retail location to another retail location if the retail licenses for both locations are held by the same licensee.

- **Records**

- A licensed retailer must maintain financial records, personnel records, training records, contracts, permits, security records, destruction records, data entered into track-and-trace, and an accurate record of all sales for seven years. All records must be made available to the Bureau upon request.



September 8, 2020

**Via Hand Delivery: Stockton City Clerk**

Community Development Department, Planning Division  
 Planning Commission  
 c/o: City Clerk  
 425 N. El Dorado Street, 1st Floor  
 Stockton, CA 95202

**Re: Request for Rehearing of Application No. P20-0038: 3008 E. Hammer Lane, Suite 108  
 Cannabis Retail Storefront and Delivery**

Dear Planning Commissioners:

We urge the Planning Commission to reconsider the August 27, 2020 denial of applicant Leon Tacardon's ("Applicant") Commission Use Permit to establish a Retail Storefront Cannabis business; Administrative Use Permit to establish a Retail Non-Storefront (Delivery only) Cannabis business; and a waiver of Cannabis business location requirements for a 2,280 square foot commercial space at 3008 E. Hammer Lane, Suite 108 in Stockton ("Project"). The Planning Commission's decision is a prejudicial abuse of discretion in that the Planning Commission did not proceed as required by law; the decision is not supported by its findings; and the findings are not supported by the evidence.

The Planning Commission failed to consider section 16.80.195(A)(6)(c) of the cannabis ordinance. That section provides:

As permitted by 16 Cal. Code Regs. 5026(b), the Review Authority may waive the location requirements as provided in Chapter 16.176. Waivers shall only be considered for unique situations where the literal application of the distance requirement is not reasonable. Waiver determinations will be made on a case-by-case basis.

The Planning Commission determined that it did not need to address the waiver request because it was not approving the Project. However, the Planning Commission was required by law to consider the waiver request. Furthermore, the Planning Commission relied almost exclusively on the reason for the waiver request, the residentially zoned property, to denying the Project. Applicant's waiver request clearly showed the Project can be within 250 feet of the residentially zoned property. By refusing to consider the waiver, the Commission did not proceed as required by law.

The Planning Commission's decision is also not supported by its findings. Findings 1, 3, 5, and 6<sup>1</sup> all relied on the fact that the Project is within 250 feet of the residentially zoned property to deny the

<sup>1</sup> For Finding 2 the Commission did not consider all the standards provided in Finding 2. For Finding 7, that the Project is exempt from CEQA, the Commission did not contest. The Commission inappropriately removed Finding 4 because they could not make a negative finding for it.



September 8, 2020  
Page 2 of 2

Project. Yet the residentially zoned property being within 250 feet of the Project is not an applicable fact that supports negative findings for Findings 3,5 and 6. It is also not applicable for Finding 1 if the Commission had voted on Applicant's waiver. Since the Commission could not make any negative findings, the Project should not have been denied.

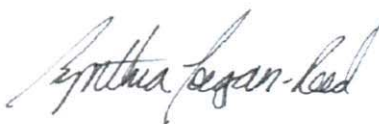
Agencies rendering adjudicatory decisions must set forth findings that bridge the analytical gap between raw evidence and the decision or order. *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 C3d 506, 515-516. In Applicant's case, there was no analysis that connected any evidence regarding the residentially zoned property to the Commission's decision. As discussed further below, there was no evidence submitted, or discussed, regarding the residentially zoned property. Furthermore, for the majority of the findings referencing the residentially zoned property, the Commission did not independently make such reference: the City Attorney made the findings for the Commission. The City Attorney also did not reach consensus amongst the Commissioners that the residentially zoned property was the reason the majority of findings could not be made.

The courts have found that terse statements without supporting analysis that lead to boilerplate rejection are not appropriate. *Glendale Mem. Hosp. & Health Ctr. v State Dep't of Mental Health* (2001) 91 CA4th 129, 140 (agency's administrative findings that were terse statements of boilerplate rejection did not contain sufficient details to bridge analytic gap between the evidence presented and the agency's ultimate decisions). The Commission gave no supporting analysis to support the findings based on the residentially zoned property.

The Commission must present substantial evidence to support the residentially zoned property finding yet they did not present any evidence. The Commission did not put forth any specific nor substantial evidence regarding the residentially zoned property west of the railroad tracks and how the Project would impact such property. The staff report provided evidence to the Commissioners that the unique situation of the residentially zoned property made the literal application of the distance requirement unreasonable. However, the Commission failed to analyze such evidence; reject such evidence; or, provide any evidence to the contrary. Furthermore, by refusing to address Applicant's waiver request, the Planning Commission abused its discretion and prejudiced Applicant's ability to receive approval for the Project.

We urge the Planning Commission to hold a rehearing pursuant to Stockton municipal code section 16.100.020(D). Applicant is also filing an appeal to City Council to protect its appeal rights pursuant to section 16.100.020(A)(2).

Thank you,



CYNTHIA MORGAN-REED

Cc: Ariana Adame  
Curtis Devine

Resolution No.

# STOCKTON PLANNING COMMISSION

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## **RESOLUTION DENYING A COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS, ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS, AND A WAIVER OF CANNABIS BUSINESS LOCATION REQUIREMENTS – ALL CONCERNING A 2,280 SQUARE FOOT COMMERCIAL SPACE AT 3008 E. HAMMER LANE, SUITE 108 (APPLICATION NO. P20-0038)**

The applicant, Leon Tacardon, submitted a Commission Use Permit, Administrative Use Permit, and Waiver application to establish a 2,280-square foot retail storefront cannabis business and a retail non-storefront (delivery only) cannabis business in a Commercial General (CG) zoned parcel, located at 3008 E. Hammer Lane, Suite 108 (Exhibit 1); and

The applicant is a winner as an equity applicant of the City's 2019 Commercial Cannabis Lottery used to designate how many applicants are allowed to apply for certain commercial cannabis types, including Retail Storefront; and

On August 27, 2020, the Planning Commission conducted a duly noticed public hearing on the application, in compliance with Stockton Municipal Code (SMC) section 16.88, at which point all persons wishing to be heard were provided such opportunity; and

On August 27, 2020, and prior to acting on the requested actions, the Planning Commission considered the California Environmental Quality Act (CEQA) determination reflected in the findings below; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON, AS FOLLOWS:

A. The foregoing recitals are true and correct and incorporated by reference.

B. Based on the staff report, staff presentation, comments received, and the public hearing, the Planning Commission makes the following findings based on substantial evidence in the record:

### USE PERMIT FINDINGS (COMMISSION AND ADMINISTRATIVE)

As evidenced below, not all of the findings of fact as required by Stockton Municipal Code (SMC) Section 16.168.050 for use permit (Commission or administrative) can be made, and therefore, the project cannot be approved:

1. The proposed uses are allowed within the subject zoning district with the approval of a use permit but do not comply with all other applicable provisions of this Development Code and the Municipal Code because Retail Storefront Commercial Cannabis and Non-storefront Retail (delivery only) Commercial Cannabis is allowed in a Commercial, General (CG) zone with a Use Permit and does not meet the 300' location requirement measured from the nearest property in any existing residential zone, in accordance with SMC Sections 16.80.195 (A) (6) (a) for retail storefront and SMC 16.80.195 (B) (4) (a) for retail non-storefront.
2. The proposed use would not maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located because operating a facility engaged in retail storefront commercial cannabis and retail non-storefront (delivery only) commercial cannabis would result in an overconcentration with an existing cannabis business approved approximately 0.4 miles to the east on Hammer Lane.
3. The proposed use is consistent with the general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan because the project is a commercial land use consistent with the Commercial land use designation of the General Plan and it is consistent with General Plan Policy LU-4.2 to attract employment and generating businesses that support the economic diversity of the City.
4. The subject site would be physically suitable for the type and density/intensity of use being proposed including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.) because the project is reusing a portion of an existing commercial building. The project has been analyzed by all departments and it has been determined all streets and public access ways is adequate to serve the proposed project. The site will have access to City water services and the Municipal Utilities Department has reviewed the project.
5. The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified would endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use because the project would result in an overconcentration with an existing cannabis approved approximately 0.4 miles to the east on Hammer Lane, which could lead to increased crime and is a security risk; appropriate security provisions will not be sufficient, such as electronic surveillance and on-site security personnel procedures.
6. The design, location, size, and operating characteristics of the proposed use would not be compatible with the existing, and future land uses on-site and in the vicinity of the subject property because the project is the use of an existing building suite, which is compatible with the current commercial use. The use of the vacant suite would not enhance the neighborhood surrounded by commercial uses.
7. The proposed use qualifies for a California Environmental Quality Act (CEQA)



Categorical Exemption under section 15301, Class 1, for Existing Facility, because the proposed project would occur within an existing commercial building and the project involves no expansion of use. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

As evidenced below, not all of the required findings required by SMC Section 16.176.040 for waiver of the location requirements in SMC Sections 16.80.195 (A) (6) (a) for retail storefront and SMC 16.80.195 (B) (4) (a) for retail non-storefront are met:

A. The granting of the waiver to allow the project location to be less than the minimum 300' distance from a nearest property in any existing residential zone, will result in specific standards not being addressed and outweighs the undue hardship that may be created to utilize the proposed site. By not meeting the 300' distance standard, future residential dwelling units that may occur in the currently vacant residential property could be at safety risk and negatively affected by the proposed project;

B. The granting of the waiver to allow the project location to be less than the minimum 300' distance from the nearest property existing residential zone to the west of the project use would weaken the integrity and be a detriment of the character of the nearby neighborhood because of the potential safety risks and negative effects of operating cannabis sales activities near residents;

C. The granting of the waiver to allow the project location to be less than the minimum 300' distance from a nearest property in any existing residential zone, will increase safety risks to nearby residents and negatively affect the general welfare of the nearby residential neighborhood because of operating cannabis sales activities. The proposed project would allow the sale of a substance that is federally prohibited not in the best interest of the public health;

D. The granting of the waiver to allow the project location to be less than the minimum 300' distance from a nearest property in any existing residential zone, will not be consistent with the location requirements of SMC 16.80.195 (A) (6) (a) for retail storefront and SMC 16.80.195 (B) (4) (a) for retail non-storefront because it is located approximately 250' from an existing residential zone and might pose a safety risk or otherwise negatively effect future residents;

E. The granting of the waiver to allow the project location to be less than the minimum 300' distance from a nearest property in any existing residential zone will conflict with the location requirements of SMC 16.80.195 (A) (6) (a) for retail storefront and SMC 16.80.195 (B) (4) (a) for retail non-storefront because it is located approximately 250' from an existing residential zone which might pose a safety risk or otherwise negatively effect future residents; and

F. The granting of the waiver would be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. (Ord. 023-07 C.S. § 120; prior code § 16-590.040)

Planning Commission Action

Based on its review of the entire record herein, including the August 27, 2020, Planning Commission staff report, all supporting, referenced and incorporated documents, and all comments received, and the finding above, the Planning Commission hereby denies the requested Use Permit.

PASSED, APPROVED, and ADOPTED: September 24, 2020.

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WAQAR RIZVI, CHAIR  
City of Stockton Planning Commission

ATTEST:

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MICHAEL MCDOWELL, SECRETARY  
City of Stockton Community Development

# Retail Cannabis Business Land Use Permit Application

3008 E. Hammer Lane  
Stockton, CA 95212  
APN: 128-020-01  
Application No. P20-0038



WMB  
ARCHITECTS

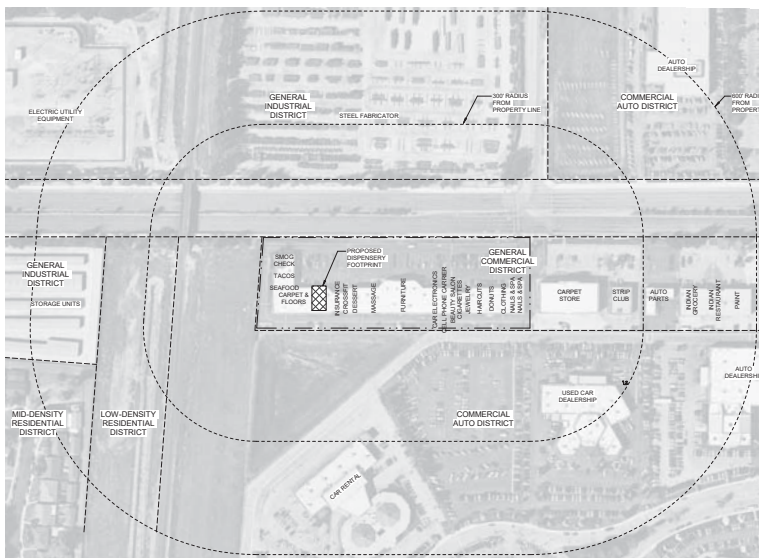
5737 Pacific Avenue  
Suite Z28  
Stockton, CA 95207  
2000 L Street  
Suite 125  
Sacramento, CA 95811  
T 209.944.9110  
F 209.944.5711  
www.wmbarchitects.com  
E tb@wmbarchitects.com  
TOM BOWE, PROJ. ARCH

Retail Cannabis Business -  
Land Use Permit  
P20-0038  
3008 E. Hammer Lane  
Stockton, CA 95212

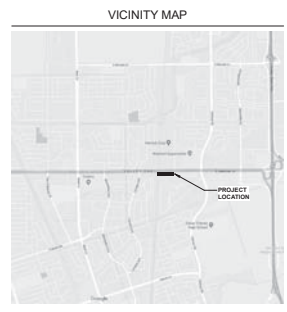
TITLE SHEET /  
NEIGHBORHOOD CONTEXT



PUBLISH HISTORY:  
DATE PURPOSE  
12.09.19 PERMIT SUBMITTAL



NEIGHBORHOOD CONTEXT PLAN  
SCALE: 1" = 1440'



LIST OF SHEETS

A1	TITLE SHEET / NEIGHBORHOOD CONTEXT
A2	SITE PLAN
A3	FLOOR PLAN

CONTACT INFORMATION

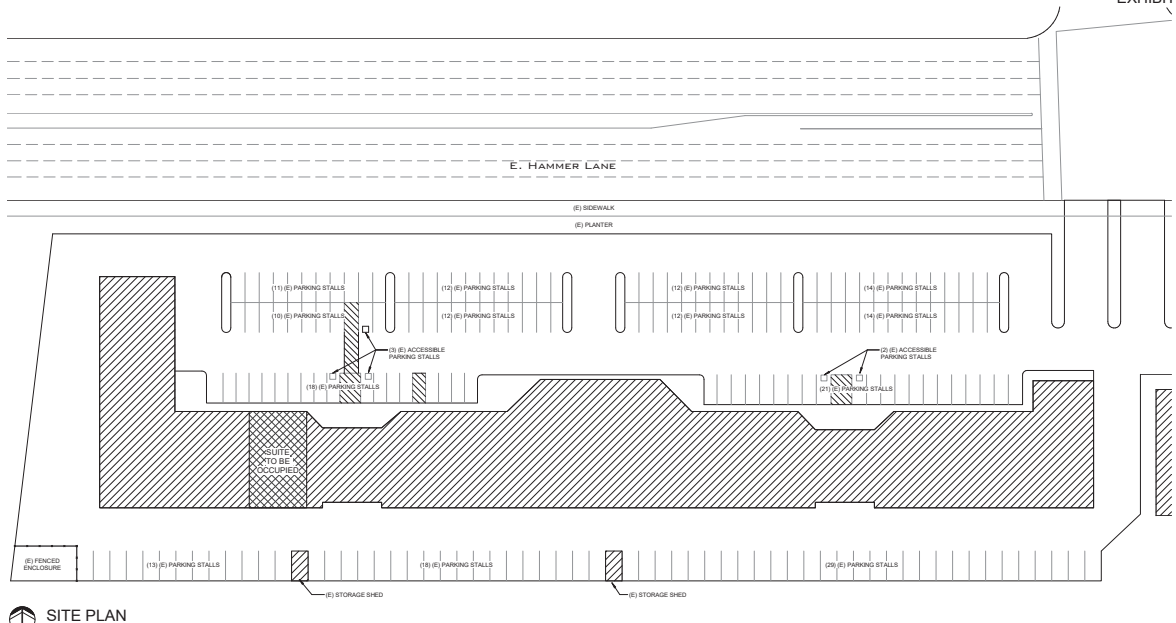
**TENANT**  
CURTIS DEVINE  
P.O. BOX 8133  
FORT MOHAVE, AZ 86427  
PHONE: 928.303.5958

WMB PROJECT:  
19-104

A1



EXHIBIT 1



**SITE PLAN**  
SCALE: 1" = 30'-0"

**WMB ARCHITECTS**  
5737 Pacific Avenue  
Suite 228  
Stockton, CA 95207  
2000 L Street  
Suite 129  
Sacramento, CA 95811  
T 209.944.9110  
F 209.944.5711  
www.wmbarchitects.com  
E: info@wmbarchitects.com  
TOM BOWE, PROJ. ARCH

Retail Cannabis Business -  
Land Use Permit  
PUD-0008  
308 E. Hammer Lane  
Stockton, CA 95212

SITE PLAN



REQUIRED PARKING STALLS	
ENTIRE BLDG. FOOTPRINT	2,191 FFP
PARKING FACTOR	1 STALL / 250 FFP
REQ'D PARKING STALLS	9 STALLS
PROVIDED PARKING STALLS	9 STALLS, (E)
REQ'D ACC. STALLS	2 STALLS
PROVIDED ACC. STALLS	2 STALLS, (E)

PROJECT DATA		
PROJECT DESCRIPTION	RETAIL CANNABIS MICROBUSINESS	
	FLOORING SALES	
PRIOR USE	YES	NO
ALTERATION TO EXISTING BUILDING	X	
ADDITION TO EXISTING BUILDING		X
CHANGE OF USE		X
EXISTING FIRE SPRINKLERS	X	
TYPE OF CONSTRUCTION	1B	
OCCUPANCY GROUP	M	
PARCEL SIZE	3.93 ACRES	
SUITE AREA	2,191 FFP UNCHANGED	
BUILDING HEIGHT	1F UNCHANGED	
NUMBER OF STORES	1 UNCHANGED	

PUBLISH HISTORY:  
DATE PURPOSE  
12.09.19 PERMIT SUBMITTAL

WMB PROJECT:  
19-104

A2



# City of Stockton

## Legislation Text

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**File #: 20-7031, Version: 1**

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### **REQUEST TO AMEND A COMMISSION USE PERMIT FOR ALCOHOLIC BEVERAGE SALES, OFF-SALE BEER AND WINE, TO REMOVE A CONDITION OF APPROVAL REQUIRING ON-SITE SECURITY GUARD AT 6009 NORTH EL DORADO STREET (P20-0291)**

#### RECOMMENDATION

Staff recommends that the Planning Commission approve an amendment to Commission Use Permit P16-0342 to remove a condition requiring a uniformed licensed security officer to patrol the site, based on the findings and subject to conditions in the attached resolution.

#### Summary

The applicant, Grin Investments, Inc., requests to amend Commission Use Permit No. P16-0342 to remove a condition of approval related to a convenience store with off-sale beer and wine, on the basis that there have not been any significant calls for service in the last year. The subject condition concerns a requirement for a uniformed licensed security to patrol the site and the vicinity between 9:00 A.M. and 11:00 P.M., seven days a week. As discussed in the report below, calls for service data and feedback from the Stockton Police Department indicate incidents reported for the last one-year period are unrelated to the subject convenience store. The Use Permit Amendment maintains all other conditions of approval, as well as, the applicant is accepting to a new condition requiring the store owners and employees to complete Licensee Education on Alcohol and Drugs (LEAD) training, to continue to discourage nuisance activities and support public safety onsite and in the vicinity. Therefore, staff recommends approval of the amendment, subject to conditions.

#### DISCUSSION

##### Background

On January 26, 2017, the Planning Commission approved a Commission Use Permit for this location authorizing the establishment of a convenience store, inclusive of off-sale alcoholic beverage sales (beer and wine) and a fueling station, subject to conditions of approval (Attachment A - Planning Commission Resolution No. 2017-01-26-0301). The approved Use Permit includes a condition of approval requiring the employment of a uniformed licensed security to patrol the site and site vicinity between 9:00 A.M. and 11:00 P.M., seven days a week. This condition comes from the Stockton Municipal Code (SMC) §16.80.040(D)(5)(b) (Conditions of Approval - Off-sale Alcoholic Beverage Establishments). This code section provides the Review Authority a menu of conditions that may be imposed on requested new off-sale alcoholic beverage sales in support of public health and safety and to discourage nuisance activities.

The 3,180-square foot convenience store, six (6) multi-product fuel dispensers, and two underground storage tanks were constructed in 2018 and is presently fully operational. The convenience store

received an approved business license on August 19, 2018 and has been in operation since. The site is located within an existing shopping center, the Mayfair Center, which supports multiple commercial uses (see Attachment B for site location and aerial map).

### Present Situation

The applicant, Grin Investments, Inc., applied for an amendment to Commission Use Permit P16-0342 to remove a requirement for a uniformed licensed security to patrol the site and site vicinity between 9:00 A.M. and 11:00 P.M., seven days a week, on the basis that there have not been any significant calls for service in the last year. No other changes to operations and the conditions of approval are being requested.

The subject site is located within Police Report District 0339. Data provided by the Stockton Police Department for the 2017-2019 reporting period shows the district exceeded the city-wide average number of crimes by over 20 percent, more specifically by 146.07 percent. The Stockton Police Department also provided site-specific calls for service data that shows a total of 46 calls for service between July 15, 2019 and July 15, 2020, ten (10) of which resulted in a police report.

Police Department staff indicate that, with exception to one incidence of armed robbery, the nature of the crimes reported, including the ten (10) that resulted in a police report, are largely unrelated to the convenience store land use. Police Department staff deduce that the majority of the calls for service associated with the subject site did not originate on the site. Instead, calls for service used the site location as a point reference due to the prominent location of the convenience store at the intersection of North El Dorado Street and West Swain Road and the general familiarity with the business (ARCO and AM/PM).

The applicant's request for an amendment is considered a "major change", in accordance with SMC §16.104.030, and requires a review and consideration by the Planning Commission since it involves a feature of the project that was specifically addressed by the Commission during the public hearing held on December 15, 2016 and approval decision on January 26, 2017.

At the December 15, 2016 public hearing, Staff's recommendation was for denial of the project due to inconsistencies with the location restrictions found at SMC §16.80.040(D)(2)(a & d) (Location Restrictions); specifically, related to the subject site's proximity to other existing off-sale alcoholic beverage establishments and a public elementary school, and the average number of crimes in the subject site's crime reporting district. Richard Larowe, the project architect, and Michael Hakeem, the applicant's attorney, spoke on behalf of the project in support for the Commission's approval of the project, presented proposed conditions of approval, including employing a uniformed licensed security guard, that the applicant would agree to and which would discourage nuisance and criminal activity.

In accordance with SMC §16.80.040(D)(2)(a) and (d)(ii), the Planning Commission waived the location restrictions to promote local economic business growth and support infill development of vacant and underutilized sites. The Planning Commission approved Motion 2016-12-15-0501 directing Staff to bring back findings and conditions for approval of the project as a consent item at the January 26, 2017 meeting. On January 26, 2017, the Planning Commission approved the project, inclusive of the applicant recommended conditions of approval.

Staff Analysis

The proposed amendment has been reviewed in accordance with SMC §16.168.040 (Use Permits - Application filing, processing, and review). In consideration of this amendment, SMC §16.168.050 requires that three (3) findings of fact for Problem Uses and four (4) findings of fact for Alcoholic Beverages be made in the affirmative, in addition to the General Findings applied to all Use Permits. Staff's analysis is summarized below and finds that, the convenience store continues to support the findings of fact for Problem Uses and Alcoholic Beverages in the affirmative with the proposed amendment. A discussion of the General Findings of Fact is provided under the Required Findings heading below.

*Problem Uses (SMC §16.168.050(B))*

The proposed amendment is not expected to interfere with the convenience store's ability to allow a comfortable enjoyment of life or property in the area, or to increase or encourage deterioration of the area. The establishment of the convenience store allowed for development of a previously vacant site, and its continuing operation contributes to the enjoyment of neighborhood by providing convenient access to fuel and other merchandise. As conditioned, the property owner or business operator will continue to utilize a video surveillance system, which discourages crime and other impacts associated with problem uses onsite and in the vicinity area. Presently, there are no City-sanctioned neighborhood conservation, improvement, or redevelopment programs applicable to the site or in the immediate area.

*Alcoholic Beverage (SMC §16.168.050(C))*

By maintaining other conditions of approval related to convenience store operations and alcoholic beverage sales, staff does not expect the amendment to hinder the convenience store's ability to prevent nuisance activity associated with alcoholic beverage sales. As conditioned, the convenience store will continue to limit potential nuisance and criminal activity through locking beer cases during business hours Monday through Friday and prohibiting single sales of beer in containers of 40 ounces or less. As discussed above, the convenience store will continue to utilize a video surveillance system to discourage crime and nuisance activities.

To support Alcoholic Beverage Finding at SMC §16.168.050(C)(2), staff recommends that a new condition of approval be applied to the Use Permit requiring owners and all employees of the convenient complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or similar California ABC approved program. Although referenced in the original approval findings, LEAD training was not included in the original conditions of approval. Staff's recommendation will correct that oversight and ensure responsible beverage sales in a manner consistent with industry best practices.

Required Findings

In order to approve the Use Permit Amendment, the Planning Commission must make all findings at SMC §16.168.050(A) (General Findings). As indicated in the Proposed Resolution, the subject use is allowed in the site's zoning districts with an approved Use Permit and complies with applicable provisions of the Development Code. The convenience store would continue to be consistent with the

Commercial Land Use Designation. The proposed amendment does not result in any changes to the site, and the site would be physically suitable for the proposed use, including the provision of utility services (e.g. sanitation and water), public access, and the absence of physical constraints (e.g. earth, movement, flooding, etc.). Further, staff's recommendation is emphasized by the convenient store's ability to maintain public health and safety of the surrounding area through the conditions of approval relating to operations sufficiently discourage nuisance and criminal activity in the vicinity.

### Public Comments

Notice for this item was published in the Record on September 9, 2020, and a notice has been sent to all property owners within a 300-foot radius of 6009 North El Dorado Street on September 9, 2020. Staff has not received any comment from the public on this project.

### Environmental Clearance

The proposed project is a Categorical Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines §15301 (Class 1, Existing Facilities) since it consists of the operation of commercial use within an existing building. The project is also not subject to any of the exceptions to the use of a Categorical Exemption enumerated at CEQA Guidelines §15300.2.

Attachment A - Planning Commission Resolution No. 2017-01-26-0301

Attachment B - Location Map and Aerial Photograph

This staff report was prepared by Allison Holmstedt, Associate Planner, (209) 734-3074; [allison.holmstedt@stocktonca.gov](mailto:allison.holmstedt@stocktonca.gov).



Resolution No 2017-01-26-0301

## STOCKTON PLANNING COMMISSION

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### RESOLUTION APPROVING A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE IN A PROPOSED CONVENIENCE STORE AT 6009 NORTH EL DORADO STREET (P16-0342)

The applicant Grin Investments Inc has submitted a Use Permit application to allow the off-sale of beer and wine in a proposed convenience store with gasoline sales at 6009 North El Dorado Street and

On December 15 2016 the Planning Commission conducted a public hearing regarding the Use Permit to allow the off-sale of beer and wine in a proposed convenience store and

Following public testimony the Planning Commission directed staff to bring back Findings for Approval and Conditions of Approval for the Use Permit to allow the subject use now, therefore

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON AS FOLLOWS

1 The Planning Commission hereby approves a Use Permit to allow the off-sale of beer and wine in a proposed convenience store at 6009 North El Dorado Street (See Exhibit 1 – Site/Floor Plans and Color Elevations), based on the following findings

#### General Findings

a The subject use is allowed within the CN (Commercial, Neighborhood) and CG (Commercial General) zoning districts, subject to approval of a Use Permit by the Planning Commission. The use does not comply with three required Location Restrictions regarding proximity to sensitive land uses being located in a high-crime Crime Reporting District and proximity to other alcoholic beverage sales establishments however, the subject use warrants a Waiver of the noted Location Restrictions, because it would promote and support local economic development by the redevelopment of the existing vacant parcel within the existing commercial shopping center. Further the proposed use would allow area residents to purchase merchandise and/or alcohol within a reasonable walking distance thereby reducing traffic congestion on neighborhood streets

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b The subject use, as conditioned would maintain the integrity and character of the surrounding neighborhood because the building's design has been reviewed by the City's Architectural Review Committee (ARC) and determined to be in compliance with applicable provisions of the Citywide Design Guidelines. The planned structure's architectural design and treatments would be compatible with existing retail and office uses in the adjacent shopping center and on nearby parcels.

c The subject use as conditioned would be consistent with the general land uses objectives policies and programs of the General Plan. The project site has a General Plan Land Use designation of Commercial and the subject use is consistent with the following General Plan policies:

LU 4.5 – The City shall require that new commercial development incorporate landscaping and good design in accordance with Citywide Design Guidelines. The City's ARC has reviewed and determined that the project's proposed elevations renderings, and materials are substantially in compliance with applicable provisions of the Citywide Design Review Guidelines.

LU-4.10 – The City shall encourage the clustering of commercial uses and discourage the splitting of commercial clusters or centers by arterial roadways. The development of the vacant parcel in the existing commercial shopping center will allow area residents to purchase a greater variety of merchandise within the existing shopping center, thereby reducing traffic congestion on neighborhood streets.

d The subject site would be physically suitable for the type and density/intensity of the use being proposed including the provision of services (e.g., sanitation and water), public access and the absence of physical constraints (e.g., earth movement, flooding, etc.) because the project site will be occupied by a gasoline station and convenience store located in an existing shopping center that is provided with adequate access and services and is not hindered by physical constraints.

e The establishment, maintenance, or operation of the subject use at the location proposed and for the time period(s) identified, is not expected to endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the subject use, because the use will be subject to conditions of approval that require a security surveillance video system, the installation of lighting around the premises, and patrolling of the subject site by a licensed uniformed security guard.

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f The design, location, size, and operating characteristics of the subject use are expected to be compatible with existing and future land uses on-site and in the vicinity of the subject property, because the planned convenience store with the off-sale of beer and wine is classified as a commercial use that is compatible with other retail uses already in place in the shopping center on the subject site. The anticipated customer base, traffic patterns, noise levels, and general operational characteristics of the proposed convenience store with the off-sale of beer and wine are similar to those of nearby commercial uses.

g The subject action is expected to be in compliance with applicable provisions of the California Environmental Quality Act (CEQA) Guidelines (Section 15332 Class 32) as an in-fill development project. The subject use is consistent with the site's Commercial General Plan designation and applicable Development Code requirements. The subject use is not expected to result in any significant, adverse impacts related to traffic, noise, air quality, or water quality and would be adequately served by all required utilities and public services.

Problem Use Findings– Alcoholic Beverage Sales, Off-Sale

h The subject use, as conditioned, is not expected to interfere with the comfortable enjoyment of life or property in the area, because the conditions of approval require the operator to install a video surveillance system in the commercial building that would decrease crime and other impacts associated with problem uses in the vicinity area of the project site. It would also allow the operator to monitor activities around the premises and would allow the maintenance of surveillance records for review by Police Department personnel, as necessary.

i The subject use, as conditioned, is not expected to increase or encourage the deterioration or blight of the area, because the use will be contained wholly within a new commercial building and the required installation of security lighting around the exterior of the premises will help to provide a safer environment for the store's customers and area residents. Further, the operator and employees involved in the sale of alcoholic beverages will be required by the conditions of approval to participate in a Licensing Education of Alcohol and Drugs training course offered by ABC, which includes the reduction of blight and deterioration.

j The subject use, as conditioned, is not expected to be contrary to any program of neighborhood conservation, improvement, or redevelopment plan, either residential or non-residential, because there is not any recognized or City-sanctioned neighborhood conservation, improvement, or redevelopment program applicable to the project site or in the immediate area.

Alcoholic Beverages Findings

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k The subject use is not expected to result in additional nuisance activities on or in close proximity to the premises because the applicant is required to provide on-site security personnel to patrol the subject site between 9 00 a m and 11 00 p m seven days a week install indoor and outdoor cameras on the premises, and lock beer cases during school hours

l The owners and all employees of the establishment will complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other Responsible Beverage Sales (RBS) or any other California Department of Alcoholic Beverage Control Board (ABC) approved program within 60 days of being hired To satisfy this requirement a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board Service Advisory Board or other certifying/licensing body designated by the State of California

m The proposed use will comply with all provisions of local state and federal laws, rules regulations, policies or orders, including, but not limited to those promulgated and or enforced by the ABC, California Business and Professions Code Sections 24200 24200 6 and 25612 5 and any conditions imposed on any valid permits issued pursuant to applicable laws regulations or other authority This includes compliance with annual city business license

n A finding of Public Convenience or Necessity is not required because ABC has determined that transferring an active off sale beer and wine license (Type 20) within the same census tract does not result in a net increase in the number of active off sale licenses and does not increase the existing overconcentration of off-sale alcohol licenses in the Census Tract

2 In accordance with Stockton Municipal Code (SMC) Section 16 168 070 the following Conditions of Approval are imposed to ensure compliance with the Findings of Approval for the Use Permit

Standard

a The business operator shall comply with all applicable Federal State County and City codes regulations laws and other adopted standards and pay all applicable fees

b Compliance with these Conditions of Approval is mandatory Failure to comply with these Conditions of Approval is unlawful and may constitute a public nuisance subject to the remedies and penalties identified in the SMC including but not limited to, monetary fines and revocation

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c This Use Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel upon inspection of the store

d All signs shall be subject to approval by the Community Development Department

Specific

e The consumption or carrying of open containers of alcoholic beverages in the store on the subject site or on adjacent public streets and sidewalks shall not be permitted. Signs advising patrons of this prohibition shall be posted adjacent to the front door on the interior of the building

f Store windows shall be left unobstructed to allow interior surveillance of the store during operating hours. No more than 20% of the windows may be covered by any form of temporary or permanent sign, poster, graphic or lettering

g Prior to the initiation of alcohol sales, lighting shall be installed around the exterior of the building to provide a safe and visible environment for the store's customers and area residents. The lighting shall be fully shielded to prevent glare to adjacent properties and rights-of-way

h Prior to the initiation of alcohol sales, a video surveillance system with at least a seven day continuous recording capability shall be in place. Video recordings shall be archived for at least 30 days. The video surveillance system shall cover the entire exterior of the building, including the parking lot and entrances to the store

i Loitering shall be prohibited on the subject site

j No single sales of beer or malt liquor in containers of 40 ounces or less shall be sold in the convenience store

k Pay phones shall be prohibited on the premises

l The property owner or business operator shall hire a uniformed licensed security guard to patrol the project site and the vicinity of the subject site between 9:00 a.m. and 11:00 p.m., seven days a week

m The property owner or business operator shall acquire a recorded parking easement/agreement from the adjacent property owner in the existing shopping center to use three (3) parking spaces adjacent to the subject site to comply with the parking requirement of the Development Code prior to the issuance of the Building Permit for the convenience store

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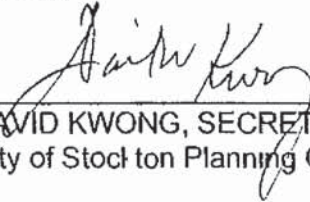
n The beer cases shall be locked from 9 00 a m to 5 00 p m  
Monday through Friday with the opening control buzzer at the cashier's station

o The Use Permit shall be subject to a six (6) month and a one year  
review following initiation of the subject use

PASSED, APPROVED and ADOPTED January 26, 2017

  
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KEVIN HERNANDEZ CHAIR  
City of Stockton Planning Commission

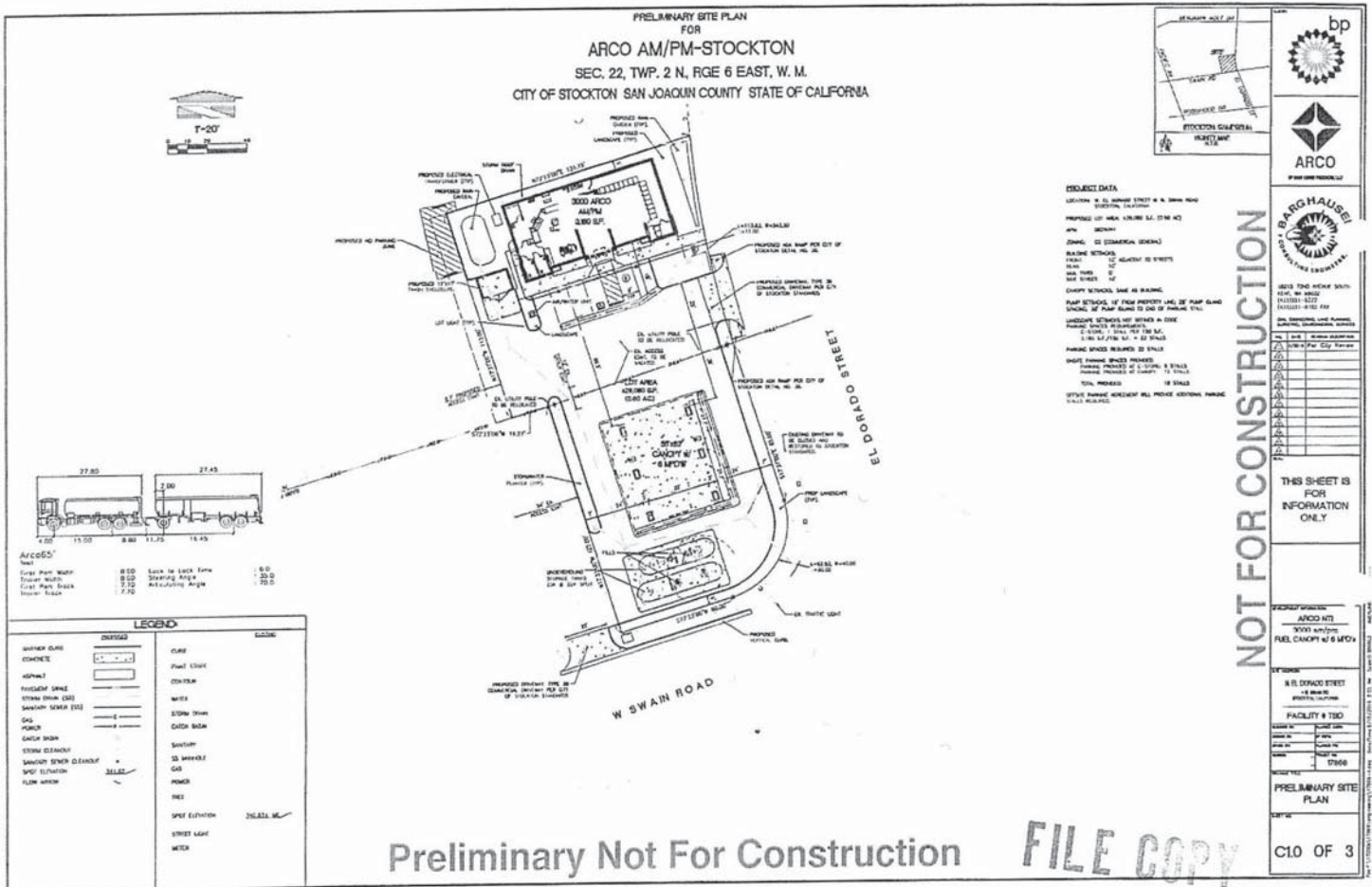
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City of Stockton Planning Commission

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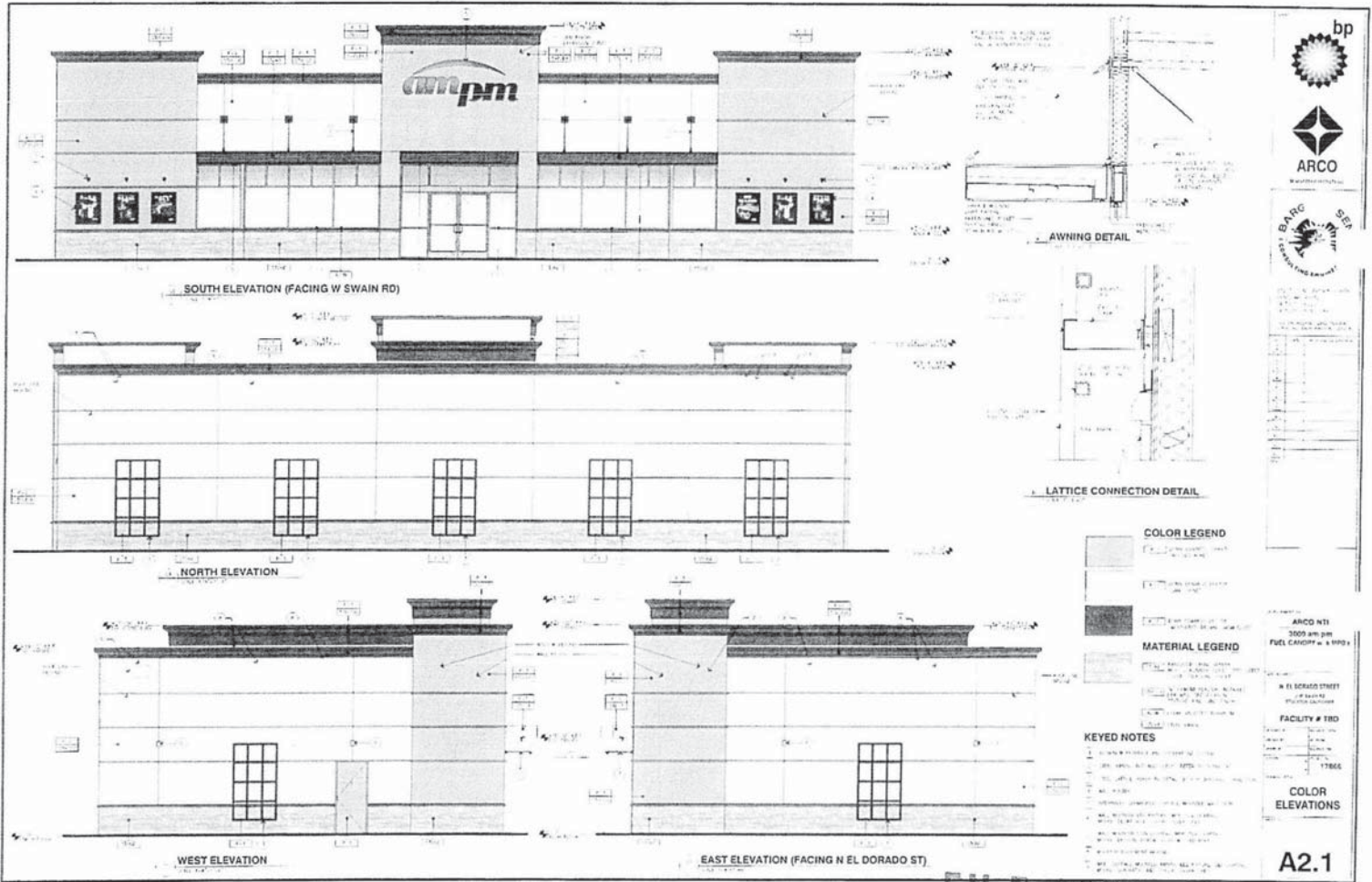






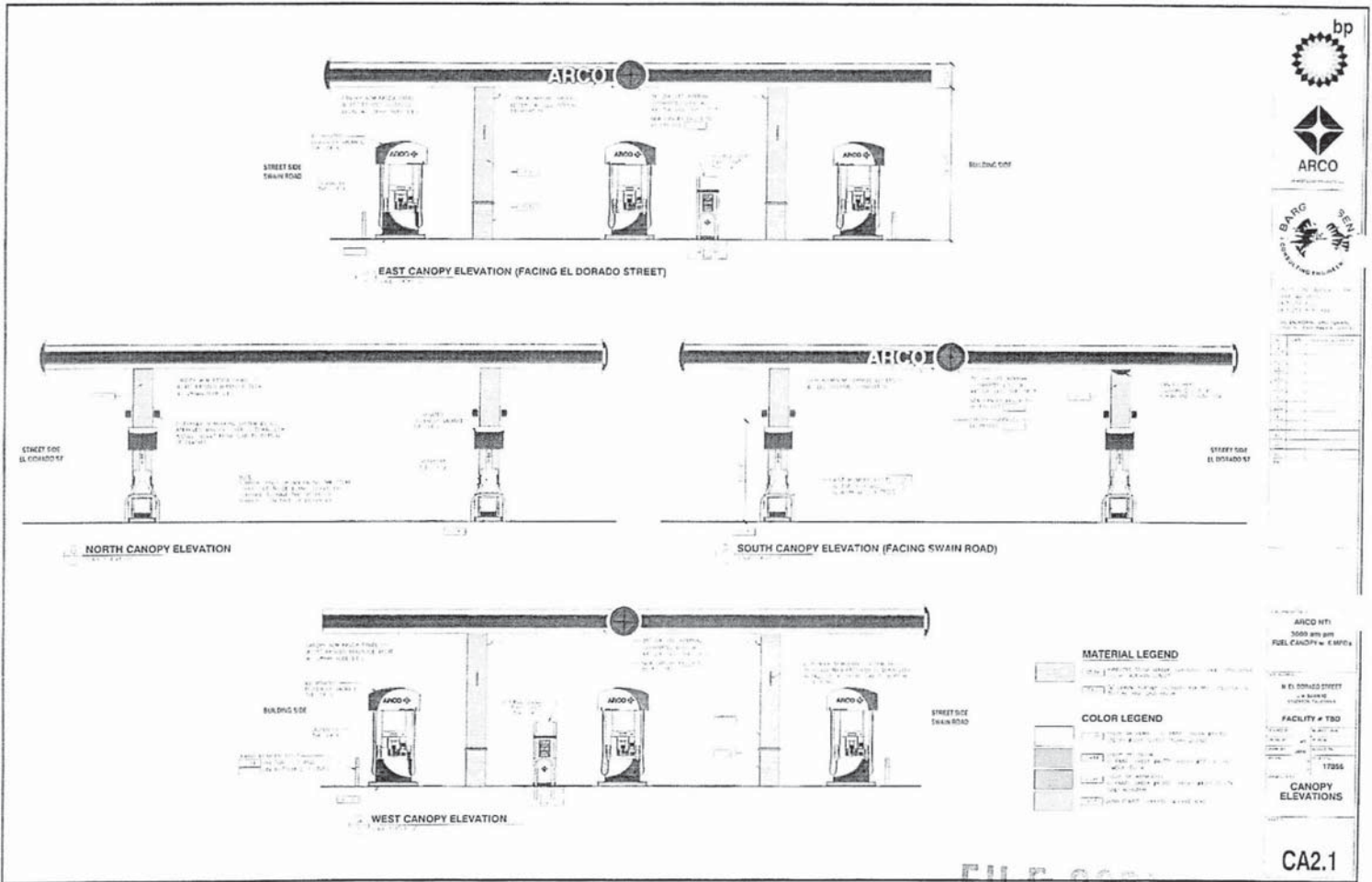




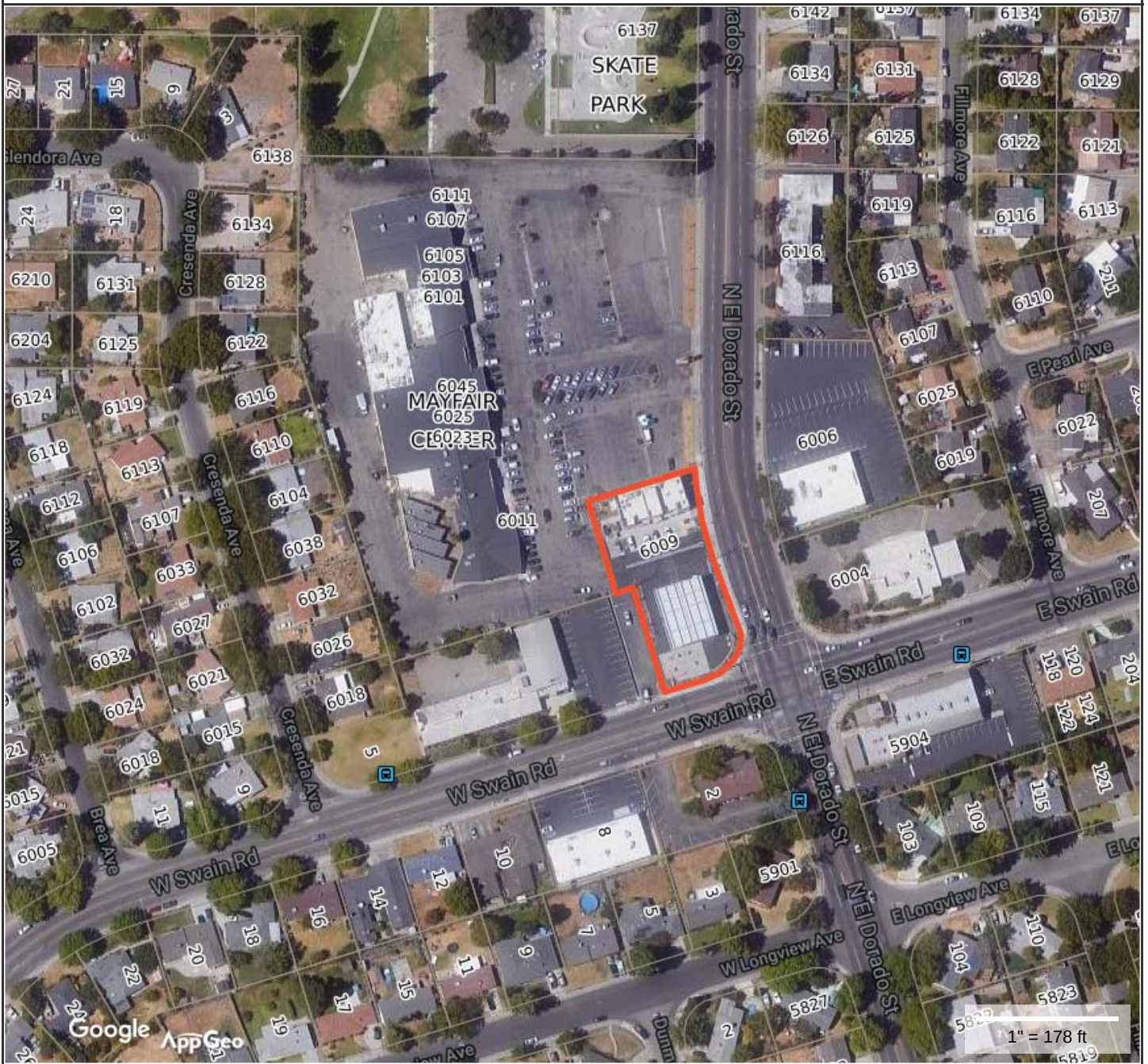


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**Property Information**

**Property ID** 08126064-113652  
**Location** 6009 N EL DORADO ST  
**Owner** GRIN INVESTMENTS INC



MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT

City of Stockton, CA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 08/04/2020  
 Data updated 08/04/2020





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










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Geometry updated 08/04/2020  
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## Map Theme Legends

### Zoning

-  COMMERCIAL AUTO DISTRICT (CA)
-  DOWNTOWN COMMERCIAL (CD)
-  GENERAL COMMERCIAL (CG)
-  LARGE SCALE COMMERCIAL (CL)
-  NEIGHBORHOOD COMMERCIAL (CN)
-  OFFICE COMMERCIAL(CO)
-  GENERAL INDUSTRIAL(IG)
-  LIMITED INDUSTRIAL (IL)
-  PORT (PT)
-  LOW DENSITY RESIDENTIAL (RL/P)
-  MEDIUM DENSITY RESIDENTIAL (RM/P)
-  HIGH DENSITY RESIDENTIAL (RH/P)
-  MIXED USE (MX)
-  OPEN SPACE (OS)
-  PUBLIC FACILITIES (PF)

City of Stockton, CA Zoning Data

Resolution No.

## STOCKTON PLANNING COMMISSION

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### REQUEST TO AMEND A COMMISSION USE PERMIT FOR ALCOHOLIC BEVERAGE SALES, OFF-SALE BEER AND WINE, TO REMOVE A CONDITION OF APPROVAL REQUIRING ON-SITE SECURITY GUARD AT 6009 NORTH EL DORADO STREET (P20-0291)

On January 26, 2017, the Planning Commission approved a Use Permit P16-0342 via Resolution No. 2017-01-26-0301 for this location and which authorized the establishment of a convenience store, inclusive of off-sale beer and wine and a fueling station at 6009 North El Dorado Street; and

The applicant, Grin Investments, Inc., submitted an application to request an amendment to Planning Commission Use Permit No. P16-0342 to remove Condition of Approval "I", on the basis that there have not been any significant calls for service in the last year; and

Condition of Approval "I" states the property owner or business operator shall hire a uniformed licensed security guard to patrol the subject site and the vicinity of the subject site between 9:00 A.M. and 11:00 P.M., seven days a week; and

The applicant's request for an amendment is considered a "major change", in accordance with Stockton Municipal Code (SMC) Section 16.104.030, and requires a review and consideration by the Planning Commission since it involves a feature of the project that was specifically addressed by the Commission in their original approval decision; and

On September 9, 2020, public notice for the subject application was published in the local newspaper in accordance with SMC Section 16.88.030; and

On September 24, 2020, the Planning Commission conducted a public hearing on the application, in compliance with SMC Section 16.116.040(D), at which point all persons wishing to be heard were provided such opportunity; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON, AS FOLLOWS:

A. The foregoing recitals are true and correct and incorporated by this reference.

B. Based on its review of the entire record herein, the Planning Commission makes the following findings:

Use Permit: General Findings



1. The subject use is allowed in the Commercial General (CG) and Commercial Neighborhood (CN) zoning districts, subject to approval of a Use Permit by the Planning Commission. With the proposed amendment, the convenience store continues to comply with all applicable provisions of this Development Code and Municipal Code, including SMC Section 16.80.040(D)(2)(a), which permits the Review Authority discretion to waive location restrictions to promote and support local economic business growth throughout the City.

2. The proposed amendment to the conditions of approval applied to the project would not interfere with the convenience store's ability to maintain the integrity and character of the surrounding neighborhood, because the remaining conditions of approval related to convenience store operations, including the requirement for video surveillance system and installation of exterior security lighting, discourage nuisance and criminal activities and support public peace and welfare of the subject site and vicinity.

3. The proposed modification to the use is consistent with applicable general land uses, objectives, policies, and programs of the General Plan because it is a commercial use on a site designated for such uses and is consistent with the following General Plan policies from the 2040 General Plan:

Policy CH-3.1: Promote entrepreneurial development and small business expansion.

Action SAF-1.2C: Engage residents and business owners in ongoing discussions about how land use and planning decisions can help to reduce violence.

The proposed amendment allows the continuance of a small business to viably continue operations, providing the surrounding neighborhood with convenient access to fueling station and other merchandise. Further, processing the proposed amendment to remove the requirement to employ an onsite security guard in accordance with SMC Section 16.168.040 necessitated the Community Development Department and the applicant to consider the effectiveness of conditions applied to the Use Permit to reduce criminal activity and support the effort to engage business owners to utilize land use and planning decisions to create a safer community.

4. The proposed amendment does not result in any physical changes to the site, therefore the subject site would continue to be physically suitable for the type and density/intensity of use being proposed, including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.).

5. The maintenance and operations of the convenience store is not expected to endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood due to the proposed amendment to remove the requirement to employ an on-site security guard. The remaining conditions of approval related to convenience store operations, as well as the addition of a new condition of approval requiring the

convenience store owners and employees to complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), will sufficiently discourage nuisance activities and support public safety onsite and in the vicinity.

6. The design, location, size, and operating characteristics of the subject use will remain compatible with existing and future land uses on the site and in the vicinity of the subject property, because the proposed amendment to remove the requirement to employ an security guard does not result in any changes to the nature of the subject use (commercial retail business), which is compatible with the commercial uses within the existing shopping center and surrounding area.

#### Use Permit: Problem Uses Findings

7. The proposed amendment to remove Condition of Approval “I”, requiring the employment of an onsite security guard, is not likely to interfere with the comfortable enjoyment of life or property in the area, because the convenience store contributes to the enjoyment of the neighborhood by providing convenient access to fuel and other merchandise.

8. The proposed amendment will not encourage or increase the deterioration or blight of the area because the establishment of the convenience store allowed for development of a previously vacant site, and its continuing operation supports the success of infill development to strengthen and enhance the city’s core and interior neighborhoods.

9. The proposed amendment does not affect the convenience store’s impact to any program of neighborhood conservation, improvement, or redevelopment plan either residential or non-residential because there are not any recognized or City-sanctioned neighborhood conservation, improvement or redevelopment program applicable to the project site or in the immediate area.

#### Use Permit: Alcoholic Beverage Findings

10. The convenience store can continue to prevent and discourage nuisance activity on or in close proximity to the premises with the removal the Condition of Approval L, requiring the employment of an on-site security guard. As conditioned, the convenience store will continue to limit potential nuisance and criminal activity through locking beer cases during business hours Monday through Friday and prohibiting single sales of beer in containers of 40 ounces or less. As discussed above, the convenience store will continue to utilize a video surveillance system to discourage crime and nuisance activities.

11. An additional condition of approval applied to the Use Permit ensures that the owners and all employees of the establishment would complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other “Responsible Beverage Sales” (RBS) or any other California Department of Alcoholic Beverage Control Board (ABC) approved program within 60 days of hire. The certified program shall meet the requirements of the Alcohol Beverage Control Responsible Beverage Service Advisory

Board, Service Advisory Board or other certifying/licensing body designated by the State of California.

12. The proposed amendment to remove Condition of Approval “I”, requiring the employment of an onsite security guard, does not prohibit the convenience store to comply with all provisions of local, state and federal laws, rules, regulations, policies, or orders, including, but not limited to, those promulgated and or enforced by the ABC, California Business and Professions Code Sections 24200, 24200.6, and 25612.5, and any condition imposed on any valid permit(s) issued pursuant to applicable laws, regulations or other authority. Condition of Approval “I” is one of several conditions related to operations found at SMC Section 16.80.040(D)(5) available for the Review Authority’s consideration to impose on the subject use, but is not required to comply with provisions of local, state and federal laws.

13. The proposed amendment does not require a finding of Public Convenience or Necessity. The applicant currently has an active license issued by ABC.

#### California Environmental Quality Act

C. The proposed project is a Categorical Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15301 (Class 1, Existing Facilities) since it consists of the operation of commercial use within an existing building. The project is also not subject to any of the exceptions to the use of a Categorical Exemption enumerated at CEQA Guidelines section 15300.2.

D. Based on its review of the entire record herein, including the September 24, 2020 Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission hereby approves the requested Amendment, subject to the following conditions of approval.

#### Conditions of Approval: Project Specific

1. This Use Permit Amendment incorporates the following conditions of approval and supersedes the original Use Permit No. P16-0342 (Exhibit 1) which was granted approval by the Planning Commission on January 26, 2017 and retains the project plans approved therein. This incorporation excludes Condition of Approval “I” and adds a new condition included as Condition of Approval “o”
  - a. The business operator shall comply with all applicable Federal State County and City codes regulations laws and other adopted standards and pay all applicable fees.
  - b. Compliance with these Conditions of Approval is mandatory. Failure to comply with these Conditions of Approval is unlawful and may constitute a public nuisance subject to the remedies and penalties identified in the SMC including but not limited to, monetary fines and revocation.
  - c. This Use Permit shall be posted in a conspicuous place and shall be

immediately made available to City personnel upon inspection of the store.

- d. All signs shall be subject to approval by the Community Development Department.
- e. The consumption or carrying of open containers of alcoholic beverages in the store on the subject site or on adjacent public streets and sidewalks shall not be permitted. Signs advising patrons of this prohibition shall be posted adjacent to the front door on the interior of the building.
- f. Store windows shall be left unobstructed to allow interior surveillance of the store during operating hours. No more than 20% of the windows may be covered by any form of temporary or permanent sign, poster, graphic or lettering.
- g. Prior to the initiation of alcohol sales, lighting shall be installed around the exterior of the building to provide a safe and visible environment for the store's customers and area residents. The lighting shall be fully shielded to prevent glare to adjacent properties and rights-of-way.
- h. Prior to the initiation of alcohol sales, a video surveillance system with at least a seven-day continuous recording capability shall be in place. Video recordings shall be archived for at least 30 days. The video surveillance system shall cover the entire exterior of the building, including the parking lot and entrances to the store.
- i. Loitering shall be prohibited on the subject site.
- j. No single sales of beer or malt liquor in containers of 40 ounces or less shall be sold in the convenience store.
- k. Pay phones shall be prohibited on the premises.
- l. The property owner or business operator shall acquire a recorded parking easement/agreement from the adjacent property owner in the existing shopping center to use three (3) parking spaces adjacent to the subject site to comply with the parking requirement of the Development Code prior to the issuance of the Building Permit for the convenience store.
- m. The beer cases shall be locked from 9:00 a.m. to 5:00 p.m. Monday through Friday, with the opening control buzzer at the cashier's station.
- n. The Use Permit shall be subject to a six (6) month and a one-year review following initiation of the subject use.
- o. The owners and all employees of the alcoholic beverage sales establishment who are involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS), or



any other ABC approved course. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board, other certifying/licensing body Service Advisory Board, or other certifying/licensing body designated by the State of California. The permittee shall maintain records of compliance with this condition and make them available to city staff upon request.

PASSED, APPROVED, and ADOPTED September 24, 2020.

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WAQAR RIZVI, CHAIR  
City of Stockton Planning Commission

ATTEST:

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MICHAEL MCDOWELL, SECRETARY  
City of Stockton Planning Commission

Resolution No 2017-01-26-0301

## STOCKTON PLANNING COMMISSION

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### RESOLUTION APPROVING A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE IN A PROPOSED CONVENIENCE STORE AT 6009 NORTH EL DORADO STREET (P16-0342)

The applicant Grin Investments Inc has submitted a Use Permit application to allow the off-sale of beer and wine in a proposed convenience store with gasoline sales at 6009 North El Dorado Street and

On December 15 2016 the Planning Commission conducted a public hearing regarding the Use Permit to allow the off-sale of beer and wine in a proposed convenience store and

Following public testimony the Planning Commission directed staff to bring back Findings for Approval and Conditions of Approval for the Use Permit to allow the subject use now, therefore

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON AS FOLLOWS

1 The Planning Commission hereby approves a Use Permit to allow the off-sale of beer and wine in a proposed convenience store at 6009 North El Dorado Street (See Exhibit 1 – Site/Floor Plans and Color Elevations), based on the following findings

#### General Findings

a The subject use is allowed within the CN (Commercial, Neighborhood) and CG (Commercial General) zoning districts, subject to approval of a Use Permit by the Planning Commission. The use does not comply with three required Location Restrictions regarding proximity to sensitive land uses being located in a high-crime Crime Reporting District and proximity to other alcoholic beverage sales establishments however, the subject use warrants a Waiver of the noted Location Restrictions, because it would promote and support local economic development by the redevelopment of the existing vacant parcel within the existing commercial shopping center. Further the proposed use would allow area residents to purchase merchandise and/or alcohol within a reasonable walking distance thereby reducing traffic congestion on neighborhood streets

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b The subject use, as conditioned would maintain the integrity and character of the surrounding neighborhood because the building's design has been reviewed by the City's Architectural Review Committee (ARC) and determined to be in compliance with applicable provisions of the Citywide Design Guidelines. The planned structure's architectural design and treatments would be compatible with existing retail and office uses in the adjacent shopping center and on nearby parcels.

c The subject use as conditioned would be consistent with the general land uses objectives policies and programs of the General Plan. The project site has a General Plan Land Use designation of Commercial and the subject use is consistent with the following General Plan policies:

LU 4.5 – The City shall require that new commercial development incorporate landscaping and good design in accordance with Citywide Design Guidelines. The City's ARC has reviewed and determined that the project's proposed elevations renderings, and materials are substantially in compliance with applicable provisions of the Citywide Design Review Guidelines.

LU-4.10 – The City shall encourage the clustering of commercial uses and discourage the splitting of commercial clusters or centers by arterial roadways. The development of the vacant parcel in the existing commercial shopping center will allow area residents to purchase a greater variety of merchandise within the existing shopping center, thereby reducing traffic congestion on neighborhood streets.

d The subject site would be physically suitable for the type and density/intensity of the use being proposed including the provision of services (e.g., sanitation and water), public access and the absence of physical constraints (e.g., earth movement, flooding, etc.) because the project site will be occupied by a gasoline station and convenience store located in an existing shopping center that is provided with adequate access and services and is not hindered by physical constraints.

e The establishment, maintenance, or operation of the subject use at the location proposed and for the time period(s) identified, is not expected to endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the subject use, because the use will be subject to conditions of approval that require a security surveillance video system, the installation of lighting around the premises, and patrolling of the subject site by a licensed uniformed security guard.

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f The design, location, size, and operating characteristics of the subject use are expected to be compatible with existing and future land uses on-site and in the vicinity of the subject property, because the planned convenience store with the off-sale of beer and wine is classified as a commercial use that is compatible with other retail uses already in place in the shopping center on the subject site. The anticipated customer base, traffic patterns, noise levels, and general operational characteristics of the proposed convenience store with the off-sale of beer and wine are similar to those of nearby commercial uses.

g The subject action is expected to be in compliance with applicable provisions of the California Environmental Quality Act (CEQA) Guidelines (Section 15332 Class 32) as an in-fill development project. The subject use is consistent with the site's Commercial General Plan designation and applicable Development Code requirements. The subject use is not expected to result in any significant, adverse impacts related to traffic, noise, air quality, or water quality and would be adequately served by all required utilities and public services.

#### Problem Use Findings– Alcoholic Beverage Sales, Off-Sale

h The subject use, as conditioned, is not expected to interfere with the comfortable enjoyment of life or property in the area, because the conditions of approval require the operator to install a video surveillance system in the commercial building that would decrease crime and other impacts associated with problem uses in the vicinity area of the project site. It would also allow the operator to monitor activities around the premises and would allow the maintenance of surveillance records for review by Police Department personnel, as necessary.

i The subject use, as conditioned, is not expected to increase or encourage the deterioration or blight of the area, because the use will be contained wholly within a new commercial building and the required installation of security lighting around the exterior of the premises will help to provide a safer environment for the store's customers and area residents. Further, the operator and employees involved in the sale of alcoholic beverages will be required by the conditions of approval to participate in a Licensing Education of Alcohol and Drugs training course offered by ABC, which includes the reduction of blight and deterioration.

j The subject use, as conditioned, is not expected to be contrary to any program of neighborhood conservation, improvement, or redevelopment plan, either residential or non-residential, because there is not any recognized or City-sanctioned neighborhood conservation, improvement, or redevelopment program applicable to the project site or in the immediate area.

#### Alcoholic Beverages Findings

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k The subject use is not expected to result in additional nuisance activities on or in close proximity to the premises because the applicant is required to provide on-site security personnel to patrol the subject site between 9 00 a m and 11 00 p m seven days a week install indoor and outdoor cameras on the premises, and lock beer cases during school hours

l The owners and all employees of the establishment will complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other Responsible Beverage Sales (RBS) or any other California Department of Alcoholic Beverage Control Board (ABC) approved program within 60 days of being hired To satisfy this requirement a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board Service Advisory Board or other certifying/licensing body designated by the State of California

m The proposed use will comply with all provisions of local state and federal laws, rules regulations, policies or orders, including, but not limited to those promulgated and or enforced by the ABC, California Business and Professions Code Sections 24200 24200 6 and 25612 5 and any conditions imposed on any valid permits issued pursuant to applicable laws regulations or other authority This includes compliance with annual city business license

n A finding of Public Convenience or Necessity is not required because ABC has determined that transferring an active off sale beer and wine license (Type 20) within the same census tract does not result in a net increase in the number of active off sale licenses and does not increase the existing overconcentration of off-sale alcohol licenses in the Census Tract

2 In accordance with Stockton Municipal Code (SMC) Section 16 168 070 the following Conditions of Approval are imposed to ensure compliance with the Findings of Approval for the Use Permit

Standard

a The business operator shall comply with all applicable Federal State County and City codes regulations laws and other adopted standards and pay all applicable fees

b Compliance with these Conditions of Approval is mandatory Failure to comply with these Conditions of Approval is unlawful and may constitute a public nuisance subject to the remedies and penalties identified in the SMC including but not limited to, monetary fines and revocation

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c This Use Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel upon inspection of the store

d All signs shall be subject to approval by the Community Development Department

Specific

e The consumption or carrying of open containers of alcoholic beverages in the store on the subject site or on adjacent public streets and sidewalks shall not be permitted. Signs advising patrons of this prohibition shall be posted adjacent to the front door on the interior of the building.

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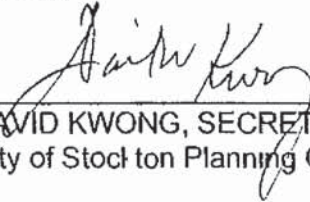
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Monday through Friday with the opening control buzzer at the cashier's station

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review following initiation of the subject use

PASSED, APPROVED and ADOPTED January 26, 2017

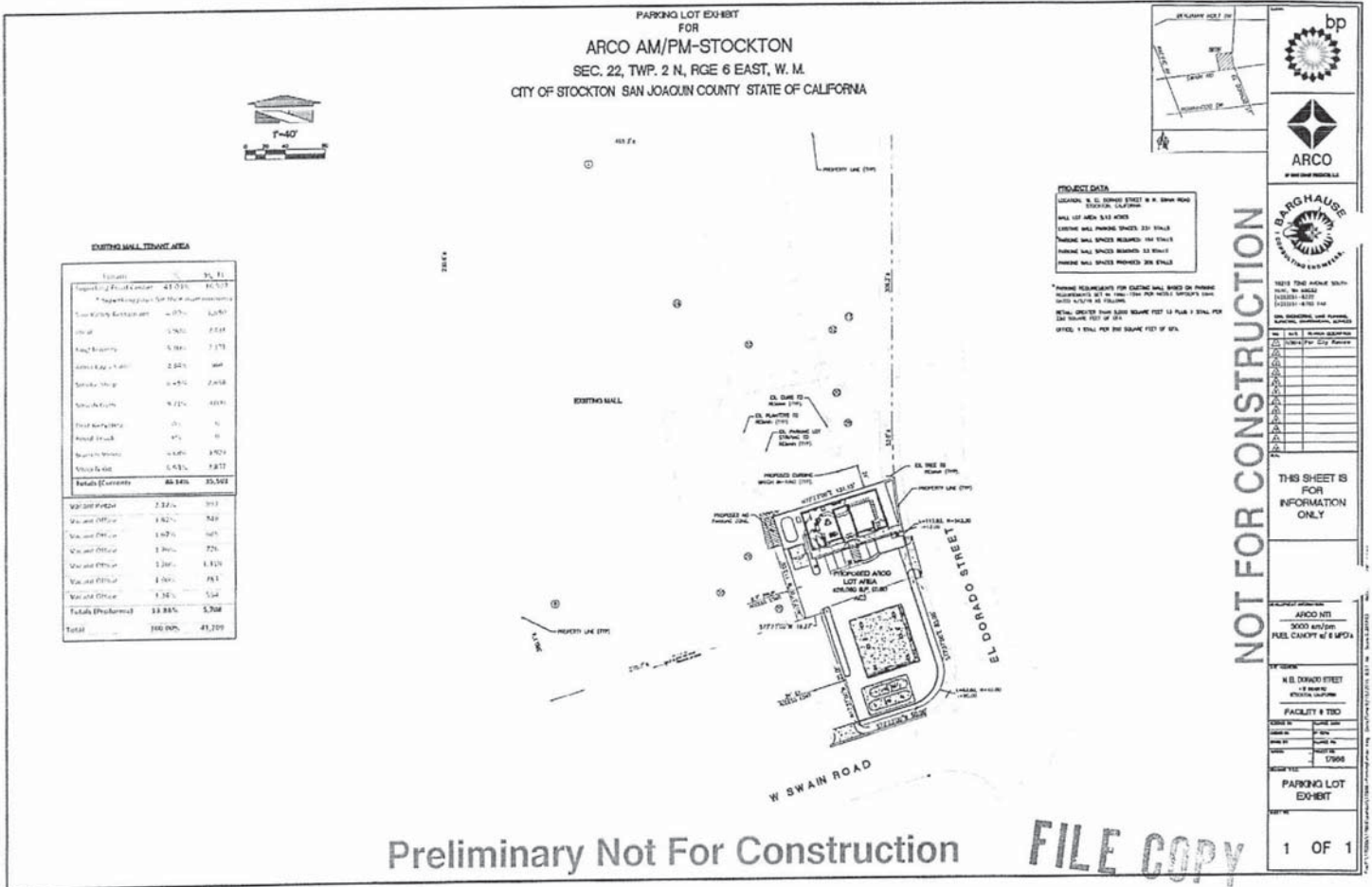
  
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KEVIN HERNANDEZ CHAIR  
City of Stockton Planning Commission

ATTEST

  
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DAVID KWONG, SECRETARY  
City of Stockton Planning Commission

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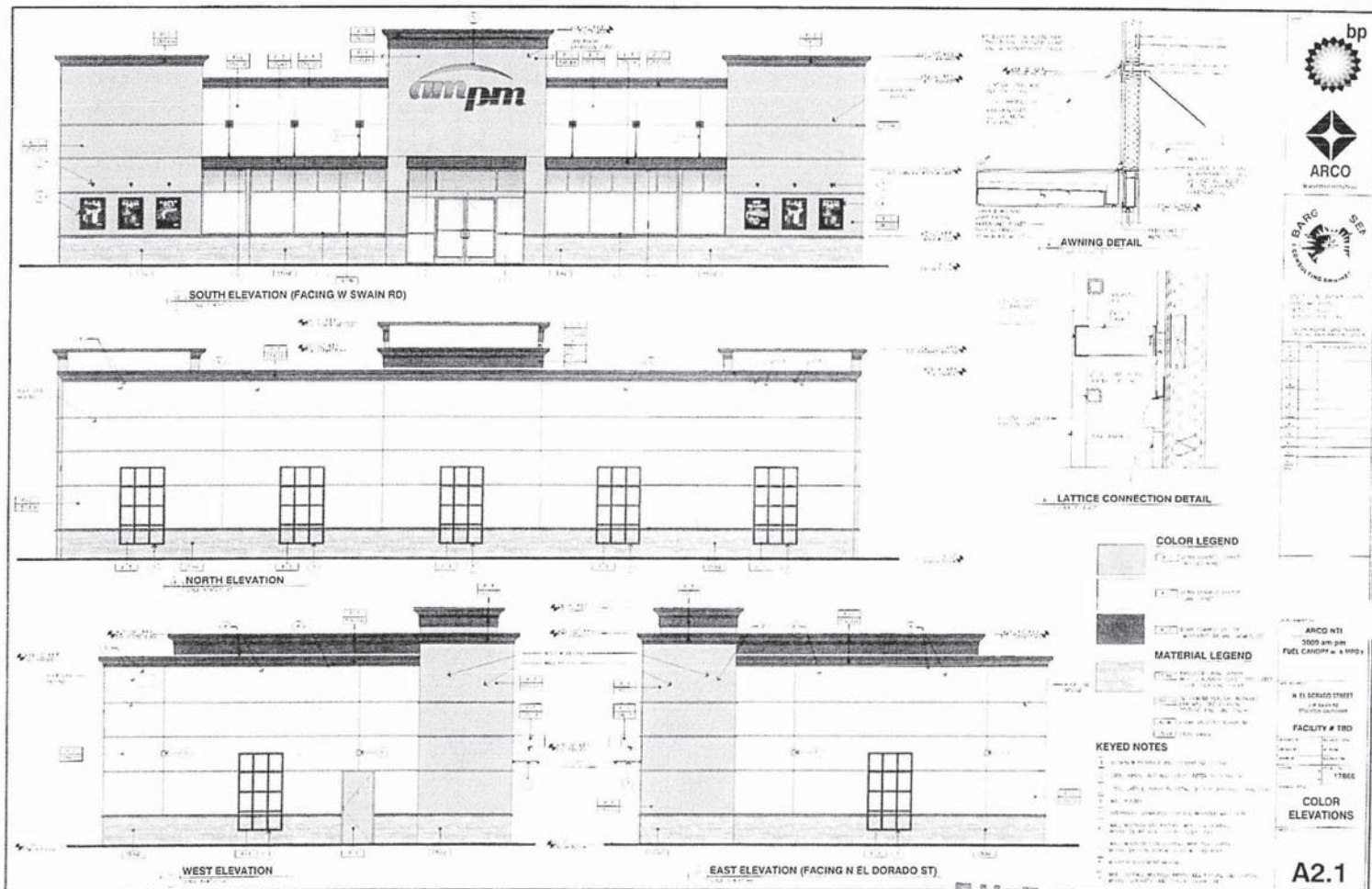












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